MONTANA LEGISLATIVE HISTORY

Chapter 431 1997

Bill H _____ S 85 Original bill & history ✓C

H. Committee on Transportation			S. Committee on Highways & Trans		
Hearing Date(s)	3-7	✓C	Hearing Date(s)	1-26	✓C
	3-10	✓C		1-28	✓C
	_____	___C		_____	___C
Free Conf.	4-14	✓C		_____	___C
Date Out	_____	___C			

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

LEGISLATIVE HISTORIES

The 1997 Montana Legislature dramatically changed the nature of legislative minutes. This altered format continues with the 1999 legislative minutes. The minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are fuller in content.

Exhibits, which include written statements, attendent information, roll call votes, roll call attendance, a list of those from the public who were present, and specific action taken on legislative bills, will be available only through the Historical Society Archives, 444-4774, and from a CD-ROM produced by the Legislative Services Division, 444-3064.

Just as in the 1997 legislative session, the 1999 House and Senate committee hearings were recorded. For information on accessing the tapes, or purchasing them, contact the Archives, 444-4774.

If you have concerns over the format of these legislative minutes, it is suggested that you contact your state legislators.

4/24 SIGNED BY GOVERNOR
CHAPTER NUMBER 382
EFFECTIVE DATE: 10/01/97—SECTIONS 1-6 & 8-90
EFFECTIVE DATE: 04/24/97—SECTION 7

SB 84 INTRODUCED BY JERGESON, ET AL. *LC0068 DRAFTER: MCCLURE*

REQUIRE THE BOARD OF REGENTS, UPON APPROPRIATION OF FUNDS, TO PROVIDE FINANCIAL ASSISTANCE TO RESIDENT NONBENEFICIARY STUDENTS ATTENDING TRIBALLY CONTROLLED COMMUNITY COLLEGES IN MONTANA

BY REQUEST OF JOINT COMMITTEE ON POSTSECONDARY EDUCATION POLICY & BUDGET

12/31	INTRODUCED		
1/02	FISCAL NOTE REQUESTED		
1/03	REFERRED TO EDUCATION & CULTURAL RESOURCES		
1/06	FIRST READING		
1/09	FISCAL NOTE RECEIVED		
1/13	FISCAL NOTE PRINTED		
1/15	HEARING		
1/16	COMMITTEE REPORT—BILL PASSED		
1/21	2ND READING PASSED	30	19
1/22	3RD READING PASSED	28	22
	TRANSMITTED TO HOUSE		
1/23	FIRST READING		
1/23	REFERRED TO APPROPRIATIONS		
3/20	HEARING		
4/04	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/07	2ND READING CONCURRED	79	20
4/07	3RD READING CONCURRED	78	21
	RETURNED TO SENATE WITH AMENDMENTS		
4/15	2ND READING AMENDMENTS CONCURRED	49	0
4/16	3RD READING CONCURRED AS AMENDED	44	6
4/18	SIGNED BY PRESIDENT		
4/20	SIGNED BY SPEAKER		
4/21	TRANSMITTED TO GOVERNOR		
4/22	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 362		
	EFFECTIVE DATE: 04/22/97		

SB 85 INTRODUCED BY JERGESON *LC0260 DRAFTER: ERICKSON*

REVISE THE LAWS PERTAINING TO MOTOR VEHICLE EQUIPMENT

BY REQUEST OF DEPARTMENT OF JUSTICE

12/31	INTRODUCED		
1/02	FISCAL NOTE REQUESTED		
1/03	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/06	FIRST READING		
1/08	FISCAL NOTE RECEIVED		
1/13	FISCAL NOTE PRINTED		
1/16	HEARING		
1/30	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/05	2ND READING PASSED	28	22
2/06	3RD READING PASSED	31	19
	TRANSMITTED TO HOUSE		
2/07	FIRST READING		
2/07	REFERRED TO TRANSPORTATION		
3/07	HEARING		
3/12	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		

4/03	2ND READING CONCURRED	58	40
4/04	3RD READING CONCURRED	57	41
	RETURNED TO SENATE WITH AMENDMENTS		
4/08	2ND READING AMENDMENTS NOT CONCURRED	49	1
4/09	FREE CONFERENCE COMMITTEE APPOINTED		
4/16	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/16	TAKEN FROM 2ND READING AND RETURNED TO FREE CONFERENCE COMMITTEE		
4/16	FREE CONFERENCE COMMITTEE REPORT NO. 2		
4/17	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	49	0
4/18	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	43	6
4/16	HOUSE		
4/10	FREE CONFERENCE COMMITTEE APPOINTED		
4/16	FREE CONFERENCE COMMITTEE REPORT NO. 1		
4/16	FREE CONFERENCE COMMITTEE REPORT NO. 2		
4/17	2ND READING FREE CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	99	0
4/17	3RD READING FREE CONFERENCE COMMITTEE REPORT NO. 2 ADOPTED	67	33
4/24	SIGNED BY PRESIDENT		
4/24	SIGNED BY SPEAKER		
4/24	TRANSMITTED TO GOVERNOR		
4/29	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 431		
	EFFECTIVE DATE: 10/01/97		

SB 86 INTRODUCED BY CRISMORE *LC0385 DRAFTER: KURTZ*

CLARIFY THE RULE OF RIGHT-OF-WAY AT AN INTERSECTION

BY REQUEST OF STATE AUDITOR

12/31	INTRODUCED		
1/03	REFERRED TO HIGHWAYS & TRANSPORTATION		
1/06	FIRST READING		
1/21	HEARING		
1/24	COMMITTEE REPORT—BILL PASSED		
1/25	2ND READING PASSED	46	0
1/27	3RD READING PASSED	48	2
	TRANSMITTED TO HOUSE		
1/28	FIRST READING		
1/28	REFERRED TO TRANSPORTATION		
2/10	HEARING		
2/12	COMMITTEE REPORT—BILL CONCURRED		
3/10	2ND READING CONCURRED	97	3
3/11	3RD READING CONCURRED	99	1
	RETURNED TO SENATE		
3/14	SIGNED BY PRESIDENT		
3/14	SIGNED BY SPEAKER		
3/17	TRANSMITTED TO GOVERNOR		
3/19	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 106		
	EFFECTIVE DATE: 10/01/97		

SENATE HIGHWAYS & TRANSPORTATION

- BILL NO - REFERRED - HEARING - OTHER CONSIDERATION DATES - EXECUTIVE ACTION/DATE/VOTE ------- REREFERRED ---- DATE READ

HB0466	BARNHART, BEVERLY		ALLOW LOCAL GOVERNMENT TO SELECT ENGINEER FOR TRAFFIC STUDY					
	3/04	3/11		CONCUR	3/18	VOTE: 9-1		3/20
HB0554	SIMPKINS, DICK		REPEAL SPECIAL MILITARY AUTO REGISTRATION FOR OUT-OF-STATE "RESIDENTS"					
	3/04	3/18		CONCUR AS AMENDED	3/18	VOTE: 10-0		3/20
SB0011	FOSTER, MIKE		REVISE DEPARTMENT OF TRANSPORTATION PROPERTY DISPOSITION REQUIREMENTS					
	12/27	1/09		PASS AS AMENDED	1/14	VOTE: 10-0		1/15
SB0012	SWYSGOOD, CHARLES		FIVE-YEAR REGISTRATION FOR TRAILER AND SEMITRAILER FLEETS					
	12/27	1/07		DO PASS	1/14	VOTE: 10-0		1/15
SB0029	SWYSGOOD, CHARLES		REVISE OVERWEIGHT SPECIAL PERMIT LAWS					
	1/03	1/14	1/21	PASS AS AMENDED	1/29	VOTE: 10-0		1/22
SB0064	CRIPPEN, BRUCE		SET NUMERICAL DAYTIME SPEED LIMITS					
	1/08	1/30		ADVERSE RPT ADOPT	2/4	VOTE: 7-3		2/11
SB0081	SWYSGOOD, CHARLES		GENERALLY REVISING LICENSING AND OPERATION OF COMMERCIAL MOTOR VEHICLES					
	1/03	1/14		PASS AS AMENDED	1/16	VOTE: 10-0		1/21
SB0082	MAHLUM, DALE		ESTABLISHMENT OF A SCENIC-HISTORIC BYWAYS PROGRAM					
	1/03	1/21		PASS AS AMENDED	1/28	VOTE: 8-2		1/30
SB0085	JERGESON, GREG		GENERALLY REVISE MOTOR VEHICLE EQUIPMENT LAWS					
	1/03	1/16	1/24	PASS AS AMENDED	1/28	VOTE: 10-0		1/30
SB0086	CRISMORE, WILLIAM		CLARIFY RIGHT-OF-WAY AT INTERSECTION					
	1/03	1/21		DO PASS	1/23	VOTE: 10-0		1/24
SB0129	CRISMORE, WILLIAM		LOG LOADER DEFINED AS SPECIAL MOBILE EQUIPMENT					
	1/07	1/16		DO PASS	1/23	VOTE: 10-0		1/24
SB0171	AKLESTAD, GARY		PRIVATIZE DEPARTMENT OF TRANSPORTATION SURVEYS					
	1/13					VOTE:		

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0085, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:
An act generally revising the laws pertaining to motor vehicle equipment; revising the definitions of "authorized emergency vehicle" and "quadricycle"; defining "public safety worker" for purposes of traffic control at an incident; requiring equipment to be maintained in proper working order; prohibiting certain types of lighting on motor vehicles; specifying requirements for headlamps, taillamps, and other lighting devices; revising visibility distance requirements vehicle lighting; revising requirements for projecting loads; clarifying the definitions of "spot lamps", "fog lamps", and "auxiliary lamps"; revising requirements for braking systems; revising performance standards for braking systems; clarifying use of lighting on emergency vehicles; authorizing peace officers to impound vehicles with sounding alarms; requiring safety gear for an operator of a vehicle with no windshield; prohibiting use of worn tires on motor vehicles; revising requirements for seatbelts; revising certain requirements for logging trucks; requiring tow trucks to provide rear lights for towed vehicles during all hours of the day; providing penalties for a motorcycle operator who carries a child who is not wearing a helmet; revising the laws pertaining to child safety restraint systems; increasing penalties for certain violations; prohibiting the movement of improperly secured loads; requiring bumpers on certain motor vehicles; eliminating the use of alternative road-lighting equipment.

FISCAL IMPACT:
There is no fiscal impact to the state.

Dave Lewis 1-7-97
DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Greg Jergeson 1/8/97
GREG JERGESON, PRIMARY SPONSOR DATE

Fiscal Note for SB0085, as introduced

SB 85

SENATE BILL NO. 85

INTRODUCED BY JERGESON

BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS PERTAINING TO MOTOR VEHICLE EQUIPMENT; REVISING THE DEFINITIONS OF "AUTHORIZED EMERGENCY VEHICLE" AND "QUADRICYCLE"; DEFINING "PUBLIC SAFETY WORKER" FOR PURPOSES OF TRAFFIC CONTROL AT AN INCIDENT; REQUIRING EQUIPMENT TO BE MAINTAINED IN PROPER WORKING ORDER; PROHIBITING CERTAIN TYPES OF LIGHTING ON MOTOR VEHICLES; SPECIFYING REQUIREMENTS FOR HEADLAMPS, TAILLAMPS, AND OTHER LIGHTING DEVICES; REVISING VISIBILITY DISTANCE REQUIREMENTS FOR VEHICLE LIGHTING; REVISING REQUIREMENTS FOR PROJECTING LOADS; CLARIFYING THE DEFINITIONS OF "SPOT LAMPS", "FOG LAMPS", AND "AUXILIARY LAMPS"; REVISING REQUIREMENTS FOR BRAKING SYSTEMS; REVISING PERFORMANCE STANDARDS FOR BRAKING SYSTEMS; CLARIFYING USE OF LIGHTING ON EMERGENCY VEHICLES; AUTHORIZING PEACE OFFICERS TO IMPOUND VEHICLES WITH SOUNDING ALARMS; REQUIRING SAFETY GEAR FOR AN OPERATOR OF A VEHICLE WITH NO WINDSHIELD; PROHIBITING USE OF WORN TIRES ON MOTOR VEHICLES; REVISING REQUIREMENTS FOR SEATBELTS; REVISING CERTAIN REQUIREMENTS FOR LOGGING TRUCKS; REQUIRING TOW TRUCKS TO PROVIDE REAR LIGHTS FOR TOWED VEHICLES DURING ALL HOURS OF THE DAY; PROVIDING PENALTIES FOR A MOTORCYCLE OPERATOR WHO CARRIES A CHILD WHO IS NOT WEARING A HELMET; REVISING THE LAWS PERTAINING TO CHILD SAFETY RESTRAINT SYSTEMS; INCREASING PENALTIES FOR CERTAIN VIOLATIONS; PROHIBITING THE MOVEMENT OF IMPROPERLY SECURED LOADS; REQUIRING BUMPERS ON CERTAIN MOTOR VEHICLES; ELIMINATING THE USE OF ALTERNATE ROAD-LIGHTING EQUIPMENT; AMENDING SECTIONS 61-1-119, 61-1-133, 61-8-105, 61-9-105, 61-9-109, 61-9-201, 61-9-203, 61-9-204, 61-9-206, 61-9-207, 61-9-208, 61-9-209, 61-9-213, 61-9-215, 61-9-216, 61-9-217, 61-9-218, 61-9-220, 61-9-221, 61-9-226, 61-9-227, 61-9-304, 61-9-305, 61-9-308, 61-9-309, 61-9-310, 61-9-311, 61-9-312, 61-9-401, 61-9-402, 61-9-404, 61-9-405, 61-9-406, 61-9-407, 61-9-408, 61-9-409, 61-9-414, 61-9-415, 61-9-416, 61-9-417, 61-9-420, 61-9-423, 61-9-511, 61-9-512, 61-9-515, 61-9-517, AND 61-9-518, MCA; AND REPEALING SECTION 61-9-224, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-1-119, MCA, is amended to read:

"**61-1-119. Authorized emergency vehicles.** (1) "Authorized emergency vehicles" means vehicles of the fire department, fire patrol, and ~~such~~ other ambulances and emergency vehicles ~~as~~ that are designated or authorized by the department.

(2) A privately owned motor vehicle is not considered an authorized emergency vehicle for purposes of this title."

Section 2. Section 61-1-133, MCA, is amended to read:

"**61-1-133. Quadricycle.** (1) "Quadricycle" means a four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits and a motor ~~of less than 300 cubic centimeters~~ capable of producing not more than ~~35~~ 50 horsepower.

(2) The term does not include golf carts."

Section 3. Section 61-8-105, MCA, is amended to read:

"**61-8-105. Obedience to ~~police~~ peace officers, ~~and~~ highway patrol officers, and public safety workers.** ~~No~~ A person ~~shall~~ may not willfully fail or refuse to comply with ~~any~~ a lawful order or direction of ~~any police~~ a peace officer, ~~or~~ highway patrol officer, or public safety worker pertaining to the use of the highways by traffic. For purposes of this section, "public safety worker" means a person who is authorized to provide assistance at the scene of an incident that requires traffic control and who is either a member of a paid or volunteer fire department, an emergency medical service provider, a member of a search and rescue team, or a civilian accident investigator appointed by a law enforcement agency."

Section 4. Section 61-9-105, MCA, is amended to read:

"**61-9-105. Obedience to ~~police~~ peace officers, ~~and~~ highway patrol officers, and public safety workers.** ~~No~~ A person ~~shall~~ may not willfully fail or refuse to comply with ~~any~~ a lawful order or direction of ~~any police~~ a peace officer, ~~or~~ highway patrol officer, or public safety worker pertaining to the use of the highways by traffic. For purposes of this section, "public safety worker" means a person who is authorized to provide assistance at the scene of an incident that requires traffic control and who is either a member of a paid or volunteer fire department, an emergency medical service provider, a member of a search and rescue team, or a civilian accident investigator appointed by a law enforcement agency."

Section 5. Section 61-9-109, MCA, is amended to read:

"**61-9-109. Driving vehicle in unsafe condition prohibited -- applicability of chapter.** (1) It is a misdemeanor for ~~any~~ a person to drive or ~~move or for the owner to cause or knowingly~~ permit to be driven ~~or moved~~ on ~~any~~ a highway ~~any~~ a vehicle or combination of vehicles ~~which~~ that:

(a) is in such unsafe condition as to endanger ~~any~~ a person~~, or which does not contain those parts of~~;

(b) is not ~~at all times~~ equipped with ~~such~~ lamps and other equipment ~~in proper condition and adjustment~~ as required in this chapter; or

(c) ~~which~~ is equipped in ~~any~~ a manner in violation of this chapter~~, or for any~~

(2) It is a misdemeanor for a person to ~~do any~~ perform an act forbidden or fail to perform ~~any~~ an act required under this chapter.

~~(2) Nothing contained in this chapter shall be construed to prohibit the~~ (3) The use of additional parts and accessories on ~~any~~ a vehicle not inconsistent with the provisions of this chapter is not prohibited.

~~(3)~~(4) The provisions of this chapter ~~with respect to equipment on vehicles shall~~ do not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as ~~herein~~ made applicable in this chapter.

(5) All lamps and equipment required by this chapter must be maintained in proper working order and adjustment at all times."

Section 6. Section 61-9-201, MCA, is amended to read:

"**61-9-201. When lighted lamps are required.** ~~Every~~ A vehicle upon a highway within this state at any time from one-half hour after sunset to one-half hour before sunrise and at any other time when ~~due to insufficient light or unfavorable atmospheric conditions~~ persons and vehicles on the highway are not clearly discernible at a distance of ~~500~~ 1,000 feet ahead ~~shall~~ must display lighted lamps and illuminating devices as ~~hereinafter respectively~~ required in this part for different classes of vehicles, subject to exceptions with respect to parked vehicles."

Section 7. Section 61-9-203, MCA, is amended to read:

"**61-9-203. Headlamps on motor vehicles.** (1) ~~Every~~ A motor vehicle other than a motorcycle, quadricycle, or motor-driven cycle ~~shall~~ must be equipped with at least two headlamps, with at least one

on each side of the front of the motor vehicle, ~~which headlamps shall~~ that comply with the requirements and limitations set forth in this chapter.

(2) ~~Every~~ A motorcycle, quadricycle, ~~and~~ or motor-driven cycle ~~shall~~ must be equipped with at least one and not more than two headlamps ~~which shall~~ that comply with the requirements and limitations of this chapter. If a motorcycle is registered under 61-3-411 as a collector's item, it need not be equipped with headlamps~~,~~; ~~but~~ however, if it is not ~~so~~ equipped with headlamps, it may not be operated upon a highway or street from one-half hour after sunset to one-half hour before sunrise or if persons and vehicles are not clearly discernible at a distance of ~~500~~ 1,000 feet. A motorcycle may be equipped with a means of modulating the high beam of its headlamps between high and low beam at a rate of 200 to 280 flashes a minute; however, an operator may not modulate the headlamps at that rate during periods when headlamps are required to be lighted by 61-9-201.

(3) ~~Every~~ A headlamp upon ~~every~~ a motor vehicle, including ~~every~~ a motorcycle, quadricycle, and motor-driven cycle, ~~shall~~ must be located at a height, measured from the center of the headlamp, of not more than 54 inches or less than ~~24~~ 22 inches, to be measured as ~~set forth~~ provided in 61-9-202(2).

(4) When headlamps are required to be lighted by 61-9-201, a person may not operate a motor vehicle on a highway with headlamps that are composed of, covered by, or treated with a tinted or colored material, substance, system, or component.

(5) This section does not prohibit the operation or sale of a motor vehicle the headlamps of which are composed of, covered by, or treated with a tinted or colored material, substance, system, or component with which the vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment from the vehicle manufacturer in compliance with federal statute or regulation governing the sale at the time of manufacture."

Section 8. Section 61-9-204, MCA, is amended to read:

"**61-9-204. Taillamps.** (1) ~~Every~~ A motor vehicle, trailer, semitrailer, and pole trailer and any other vehicle ~~which~~ that is being drawn at the end of a ~~train~~ combination of vehicles ~~shall~~ must be equipped with at least one properly functioning taillamp mounted on the rear~~, which~~ that~~, when lighted as hereinbefore required, shall omit~~ emits a red light plainly visible from a distance of 500 feet to the rear, ~~provided~~ except that in the case of a ~~train~~ combination of vehicles, only the taillamp on the rearmost vehicle need actually be seen from the distance specified. ~~Further, every such above-mentioned vehicle~~ The vehicles mentioned

in this subsection, other than a motorcycle, quadricycle, motor-driven cycle, ~~quadricycle,~~ or truck tractor, registered in this state and manufactured or assembled after January 1, 1956, ~~shall~~ must be equipped with at least two properly functioning taillamps mounted on the rear that~~, which when lighted as herein required, shall comply with the provisions of this section~~ emit a red light plainly visible from a distance of 1,000 feet to the rear of the vehicle.

(2) ~~Every~~ A taillamp upon ~~every~~ a vehicle ~~shall~~ must be located at a height of not more than 72 inches or less than 15 inches.

(3) Either a taillamp or a separate lamp ~~shall be so constructed and placed as to~~ must illuminate with a white light the rear registration plate and render it clearly legible from a distance of 50 feet to the rear. ~~Any~~ A taillamp or taillamps, together with ~~any~~ a separate lamp for illuminating the rear registration plate, ~~shall be so wired as to~~ must be lighted whenever the headlamps ~~or auxiliary driving lamps~~ are lighted.

(4) Taillamps are not required on a motorcycle that is registered under 61-3-411 as a collector's item, but ~~such~~ the motorcycle may not be operated on a highway or street from one-half hour after sunset to one-half hour before sunrise or when persons and vehicles are not clearly discernible at a distance of 500 feet unless it is equipped with the required taillamps.

(5) A person may not operate a motor vehicle on a highway with taillamps that are covered by a lens or a plastic cover and that are not the original vehicle manufacturer's equipment or with a tinted or colored material, substance, system, or component placed on or in front of rear lamps, taillamps, license plate lamps, or rear lamp combinations."

Section 9. Section 61-9-206, MCA, is amended to read:

"**61-9-206. Stop lamps -- when required.** ~~From and after January 1, 1956, it shall be unlawful for any~~ (1) A person ~~to~~ may not sell ~~any~~ a new motor vehicle~~, including any motorcycle, quadricycle, or motor-driven cycle,~~ in this state or ~~for any person to~~ drive ~~such~~ a vehicle on the highways unless it is equipped with at least ~~one~~ two properly functioning stop ~~lamp~~ lamps ~~meeting the requirements of 61-9-218~~. A vehicle manufactured before January 1, 1956, and all motorcycles, quadricycles, and motor-driven cycles must be equipped with at least one properly functioning stop lamp.

(2) The stop lamp or lamps on the rear of a vehicle must display a red light that is actuated upon application of the service (foot) brake and, in a vehicle manufactured or assembled on or after January 1, 1964, must be visible from a distance of not less than 300 feet to the rear in normal sunlight. In a vehicle

manufactured or assembled before January 1, 1964, the stop lamp or lamps must be visible from a distance of not less than 100 feet. The stop lamp may be incorporated with one or more other rear lamps.

(3) A stop lamp may not project a glaring light."

Section 10. Section 61-9-207, MCA, is amended to read:

"**61-9-207. Application of succeeding sections.** ~~Those sections of this chapter which follow immediately, including 61-9-208 through 61-9-211 and 61-9-213 relating to clearance and marker lamps, reflectors, and stoplights shall~~ Sections 61-9-208 through 61-9-229 apply as stated in ~~said~~ those sections to vehicles of the type ~~therein~~ enumerated in those sections~~, namely passenger buses, trucks, truck tractors, and certain trailers, semitrailers, and pole trailers, respectively,~~ when operated upon ~~any~~ a highway. ~~Said~~ The vehicles ~~shall~~ must be equipped as required and all lamp equipment required ~~shall~~ must be lighted at all times mentioned in 61-9-201 except that clearance and side marker lamps need not be lighted on ~~any said~~ a vehicle when operated within ~~any~~ a municipality ~~where~~ when there is sufficient light to render clearly discernible persons and vehicles on the highway at a distance of ~~500~~ 1,000 feet."

Section 11. Section 61-9-208, MCA, is amended to read:

"**61-9-208. Additional equipment required on certain vehicles.** In addition to other equipment required in this chapter, the following vehicles ~~shall~~ must be equipped as ~~herein~~ stated in this section under the conditions stated in 61-9-207:

(1) On ~~every~~ a bus or truck~~, whatever its size,~~ there ~~shall~~ must be on the rear, two reflectors, one at each side~~, and one stoplight~~.

(2) On ~~every~~ a bus or truck 80 inches or more in overall width, in addition to the requirements in subsection (1):

(a) on the front, two clearance lamps, one at each side;

(b) on the rear, two clearance lamps, one at each side;

(c) on each side, two side marker lamps, one at or near the front and one at or near the rear;

(d) on each side, two reflectors, one at or near the front and one at or near the rear.

(3) On ~~every~~ a truck tractor~~:~~

~~(a)~~, on the front, two clearance lamps, one at each side~~;~~

~~(b) on the rear, one stoplight~~.

(4) On ~~every~~ a trailer or semitrailer having a gross vehicle weight or rating in excess of 3,000 pounds:

(a) on the front, two clearance lamps, one at each side;

(b) on each side, two side marker lamps, one at or near the front and one at or near the rear;

(c) on each side, two reflectors, one at or near the front and one at or near the rear;

(d) on the rear, two clearance lamps, one at each side, also two reflectors, one at each side~~, and one stoplight~~.

(5) On ~~every~~ a pole trailer in excess of 3,000 pounds gross vehicle weight or rating:

(a) on each side, one side marker lamp and one clearance lamp ~~which~~ that may be in combination, to show to the front, side, and rear; and

(b) on the rear of the pole trailer or load, two reflectors, one at each side.

(6) On ~~every~~ a trailer, semitrailer, or pole trailer ~~weighing~~ having a gross vehicle weight or rating of 3,000 pounds ~~gross~~ or less:

(a) on the front, a steel safety chain or cable ~~which shall~~ that must be securely fastened to the towing unit with the minimum diameter of any portion of ~~such~~ the chains or cables being one-fourth of an inch. A safety chain or cable may not be connected to the ball but must be connected to the hitch or other frame member of the towing vehicle to prevent the drawbar from dropping to the ground if the ball, socket, or coupler fails;

(b) on the rear, two reflectors and two stoplights, one on each side. ~~If any trailer or semitrailer is so loaded or is of such dimensions as to obscure the stoplight on the towing vehicle, then such vehicle shall also be equipped with one stoplight.~~"

Section 12. Section 61-9-209, MCA, is amended to read:

"**61-9-209. Color of clearance lamps, side marker lamps, reflectors, and backup lamps.** (1) Front clearance lamps and those marker lamps and reflectors mounted on the front or on the side near the front of a vehicle ~~shall~~ must display or reflect an amber color.

(2) Rear clearance lamps and those marker lamps and reflectors mounted on the rear or on the sides near the rear of a vehicle ~~shall~~ must display or reflect a red color.

(3) All lighting devices, ~~and~~ reflectors, and stoplights mounted on the rear of ~~any~~ a vehicle ~~shall~~ must display or reflect a red color, except:

(a) the ~~stoplight or other~~ signal ~~device~~ devices, as defined in 61-9-218~~, which may be red, amber, or yellow, and except that~~;

(b) the light illuminating the license plate ~~shall~~ that must be a white incandescent lamp; and

(c) the light emitted by a backup lamp ~~may~~ that must be white~~, amber, or red~~."

Section 13. Section 61-9-213, MCA, is amended to read:

"**61-9-213. Lamp or flag on projecting load.** (1) Whenever the load upon ~~any~~ a vehicle extends to the rear 4 feet or more beyond the ~~bed or body~~ rear of ~~such~~ the vehicle, ~~there shall~~ the following lamps and reflectors must be displayed at the extreme rear end of the load, at the times specified in 61-9-201~~,~~:

(a) a red ~~light or lantern~~ lamp plainly visible from a distance of at least 500 feet to the sides and 1,000 feet to the rear and located to indicate maximum overhang; and

(b) a red reflector visible at night at all distances from 100 feet to 600 feet to the rear when directly in front of lawful lower beams of headlamps.

(2) The red ~~light or lantern~~ lights and reflectors required under this section ~~shall~~ must be in addition to the red ~~light~~ lights required upon ~~every~~ a vehicle. At any other time there ~~shall~~ must be displayed at the extreme rear end of ~~such~~ the load a red flag or cloth not less than 12 inches square, marking the extremities of the load, at each point where a lamp or reflector would otherwise be required by this section ~~and so hung that the entire area is visible to the driver of a vehicle approaching from the rear~~."

Section 14. Section 61-9-215, MCA, is amended to read:

"**61-9-215. Lamps on farm tractors, farm equipment, and implements of husbandry.** (1) ~~Every~~ A farm tractor and ~~every~~ a self-propelled farm equipment unit or implement of husbandry not equipped with an electric lighting system ~~shall~~ must at all times mentioned in 61-9-201 be equipped with at least one lamp displaying a white light visible from a distance of not less than 500 feet to the front of ~~such~~ the vehicle~~,~~ ~~and shall also be equipped with~~ at least one lamp displaying a red light visible from a distance of not less than 500 feet to the rear of ~~such~~ the vehicle, and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps. The lights required ~~herein shall~~ in this section must be positioned so that one lamp showing to the front and one lamp or reflector showing to the rear ~~will indicate~~ indicates the ~~furthest~~ farthest projection of ~~said~~ the tractor, unit, or implement on the side of the road used in passing ~~such~~ the vehicle.

(2) ~~Every~~ A combination of farm tractor and towed unit of farm equipment or implement of husbandry not equipped with an electric lighting system ~~shall~~ or an implement of husbandry being towed by a motor vehicle must at all times mentioned in 61-9-201 be equipped with the following lamps:

(a) at least one lamp mounted to indicate ~~as nearly as practicable~~ the extreme left projection of ~~said~~ the combination and displaying a white light visible from a distance of not less than 500 feet to the front of ~~said~~ the combination; and

(b) two lamps each displaying a red light visible from a distance of not less than 500 feet to the rear of ~~said~~ the combination, or ~~as an alternative,~~ at least one lamp displaying a red light visible from a distance of not less than 500 feet to the rear ~~thereof~~ of the combination and two red reflectors visible from a distance of 100 to 600 feet to the rear ~~thereof~~ of the combination when illuminated by the upper beams of headlamps. ~~, which said~~ The lamps or reflectors ~~shall~~ must be mounted ~~in such manner as~~ to indicate ~~as nearly as practicable~~ the extreme left and right rear projections of ~~said~~ the towed unit or implement on the highway.

(3) ~~Every~~ A farm tractor and ~~every~~ a self-propelled unit of farm equipment or implement of husbandry equipped with an electric lighting system ~~shall~~ must at all times mentioned in 61-9-201 be equipped with two ~~single-beam or~~ multiple-beam or single-beam headlamps meeting the requirements of ~~61-9-222 or 61-9-220 respectively, or as an alternative, 61-9-224,~~ 61-9-220 or 61-9-222 and two red lamps visible from a distance of not less than 500 feet to the rear, or ~~in the alternative,~~ one red lamp visible from a distance of not less than 500 feet to the rear and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps. ~~Such~~ The red lamps or reflectors ~~shall~~ must be mounted in the rear of ~~said~~ the farm tractor or self-propelled implement of husbandry ~~so as~~ to indicate ~~as nearly as practicable~~ the extreme left and right projections of ~~said~~ the vehicle on the highway.

(4) ~~Every~~ A combination of farm tractor and towed farm equipment or towed implement of husbandry equipped with an electric lighting system ~~shall~~ must at all times mentioned in 61-9-201 be equipped with the following lamps:

(a) The farm tractor element of ~~every such~~ the combination ~~shall~~ must be equipped with two single-beam or multiple-beam headlamps meeting the requirements of 61-9-220~~,~~ or 61-9-222~~, or 61-9-224~~.

(b) The towed unit of farm equipment or implement of husbandry element of ~~such~~ the combination ~~shall~~ must be equipped with two red lamps visible from a distance of not less than 500 feet to the rear~~,~~ or

~~as an alternative,~~ one red lamp visible from a distance of not less than 500 feet to the rear and two red reflectors visible from a distance of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps~~; and such~~ The red lamps or reflectors ~~shall~~ must be located ~~so as~~ to indicate ~~as nearly as practicable~~ the extreme left and right projections of ~~said~~ the towed unit or implement on the highway.

(c) ~~Said~~ The combination ~~shall~~ must also be equipped with a lamp displaying a white or amber light, or ~~any~~ a shade of color between white and amber, visible from a distance of not less than 500 feet to the front and a lamp displaying a red light visible from a distance of not less than 500 feet to the rear~~, which said~~. The lamp or lamps ~~shall~~ must ~~be installed or capable of being positioned so as to~~ indicate to the front and rear the ~~furthest~~ farthest projection of ~~said~~ the combination on the side of the road used by other vehicles in passing ~~such~~ the combination."

Section 15. Section 61-9-216, MCA, is amended to read:

"**61-9-216. Lamps on other vehicles and equipment.** ~~Every~~ A vehicle, including animal-drawn vehicles and vehicles referred to in 61-9-109~~(3)~~(4), not specifically required by the provisions of this chapter to be equipped with lamps or other lighting devices, ~~shall~~ must at all times specified in 61-9-201 be equipped with at least one lamp displaying a white light visible from a distance of not less than ~~500~~ 1,000 feet to the front of ~~said~~ the vehicle, and ~~shall also be equipped~~ with two lamps displaying red light visible from a distance of not less than ~~500~~ 1,000 feet to the rear of ~~said~~ the vehicle~~, or as an alternative,~~. The vehicle may have one lamp displaying a red light visible from a distance of not less than ~~500~~ 1,000 feet to the rear and two red reflectors visible for distances of 100 to 600 feet to the rear when illuminated by the upper beams of headlamps."

Section 16. Section 61-9-217, MCA, is amended to read:

"**61-9-217. Spot lamps, fog lamps, and auxiliary lamps.** (1) ~~Any~~ A motor vehicle may not be equipped with ~~not to exceed~~ more than two spot lamps and ~~every~~ a lighted spot lamp ~~shall~~ must be turned off upon approaching another moving vehicle from either direction.

(2) ~~Any~~ A motor vehicle may not be equipped with ~~not to exceed~~ more than two fog lamps that provide a low, wide-angle light pattern to increase short-range visibility. Fog lamps must be mounted on the front at a height not ~~less than 12 inches or~~ more than 30 inches above the level surface upon which the vehicle stands and so aimed that when the vehicle is not loaded none of the high-intensity portion of

the light to the left of the center of the vehicle ~~shall~~ at a distance of 25 feet ahead ~~project~~ projects higher than a level of 4 inches below the level of the center of the lamp from which it comes. Lighted fog lamps meeting the ~~above~~ requirements of this subsection may be used with lower headlamp beams as specified in 61-9-220(2). A fog lamp may not be used as a substitute for headlamps.

~~(3) Any motor vehicle may be equipped with not to exceed two auxiliary passing lamps mounted on the front at a height not less than 24 inches or more than 42 inches above the level surface upon which the vehicle stands. The provisions of 61-9-220 shall apply to any combination of headlamps and auxiliary passing lamps.~~

~~(4)~~(3) ~~Any~~ A motor vehicle may not be equipped with ~~not to exceed~~ more than two auxiliary driving lamps that produce a long-range, pencil-shaped light pattern and that are used to supplement the upper beams of headlamps. Auxiliary driving lamps must be mounted on the front at a height not less than 16 inches or more than 42 inches above the level surface upon which the vehicle stands. The provisions of 61-9-220 ~~shall~~ apply to ~~any~~ a combination of headlamps and auxiliary driving lamps. An auxiliary driving lamp may not be used as a substitute for headlamps or lighted at any time the headlamps are required to be on in the low-beam position.

(4) An auxiliary off-road lamp mounted more than 42 inches above the level surface upon which the vehicle stands must be wired independently of all other lighting circuits and must be covered with a nontransparent hood or cover and turned off whenever the vehicle is operated upon a highway. Auxiliary off-road lamps may not be lighted while the vehicle is being operated on the highway."

Section 17. Section 61-9-218, MCA, is amended to read:

"**61-9-218. Signal lamps and signal devices -- when required.** ~~(1) Any motor vehicle may be equipped and when required under this chapter shall be equipped with a stop lamp or lamps on the rear of the vehicle which shall display a red or amber light, or any shade of color between red and amber, visible from a distance of not less than 100 feet to the rear in normal sunlight, and which shall be actuated upon application of the service (foot) brake, and which may but need not be incorporated with one or more other rear lamps.~~

~~(2)~~(1) ~~Any~~ A motor vehicle or combination of vehicles may be equipped and when required under this chapter ~~shall~~ must be equipped with signal lamps showing to the front and rear for the purpose of indicating an intention to turn either to the right or left. ~~When lamps are used for such purposes, the~~ The

lamps showing to the front ~~shall~~ must be located on the same level and as widely spaced laterally as practicable. ~~and~~ except as provided in subsection (3) when in use, the lamps ~~shall~~ must display a white or amber light, or ~~any~~ a shade of color between white and amber, visible from a distance of not less than ~~100~~ 300 feet to the front in normal sunlight. ~~and the~~ The lamps showing to the rear ~~shall~~ must be located at the same level and as widely spaced laterally as practicable. ~~and~~ Except as provided in subsection (3) when in use, the lamps ~~shall~~ must display a red or amber light, or ~~any~~ a shade of color between red and amber, visible from a distance of not less than ~~100~~ 300 feet to the rear in normal sunlight. When actuated ~~such~~ the lamps ~~shall~~ must indicate the intended direction of turning by flashing the lights showing to the front and rear on the side toward which the turn is made.

(2) Except as provided in subsection (3), a motor vehicle, trailer, semitrailer, or pole trailer must be equipped with signal lamps meeting the requirements of this section.

(3) On a motor vehicle manufactured or assembled before January 1, 1964, the signal lamps required by this section must be visible from a distance of not less than 100 feet. Signal lamps are not required on a motor vehicle, trailer, semitrailer, or pole trailer less than 80 inches in width and manufactured or assembled before January 1, 1953.

~~(3)~~(4) ~~No~~ A stop lamp or signal lamp or device ~~shall~~ may not project a glaring light."

Section 18. Section 61-9-220, MCA, is amended to read:

"**61-9-220. Multiple-beam road-lighting equipment.** Except as ~~hereinafter~~ provided in this part, the headlamps or the auxiliary driving ~~lamp or the auxiliary passing lamp~~ lamps or combination ~~thereof~~ of both on a motor ~~vehicles~~ vehicle other than a ~~motorcycles~~ motorcycle, ~~quadricycles~~ quadricycle, or motor-driven ~~cycles shall~~ cycle must be so arranged that the driver may select ~~at will~~ between distributions of light projected to different elevations. ~~and such lamps may, in addition, be so arranged that such~~ The selection can be made automatically, subject to the following limitations:

(1) There ~~shall~~ must be an uppermost distribution of light, or composite beam, ~~so aimed and of such intensity as to reveal~~ capable of revealing persons and vehicles at a distance of at least 350 feet ahead for all conditions of loading.

(2) There ~~shall~~ must be a lowermost distribution of light, or composite beam, ~~so aimed and of sufficient intensity to reveal~~ capable of revealing persons and vehicles at a distance of at least 100 feet ahead~~; and on~~. On a straight level road under any condition of loading ~~none of~~ the high-intensity portion

of the beam ~~shall~~ may not be directed to strike the eyes of an approaching driver.

(3) ~~Every new~~ A motor vehicle, other than a motorcycle, quadricycle, or motor-driven cycle, ~~registered in this state~~ manufactured after January 1, 1956, ~~which~~ that has multiple-beam road-lighting equipment ~~shall~~ must be equipped with a beam indicator~~, which shall~~ that must be lighted whenever the uppermost distribution of light from the headlamps is in use, and ~~shall~~ may not otherwise be lighted. ~~Said~~ The indicator ~~shall be so designed and located that when lighted it will~~ must be readily visible without glare to the driver of the vehicle ~~so equipped~~."

Section 19. Section 61-9-221, MCA, is amended to read:

"61-9-221. Use of multiple-beam road-lighting equipment. Whenever a motor vehicle is being operated on a roadway or shoulder adjacent ~~thereto~~ to a roadway during the times specified in 61-9-201, the driver shall use a distribution of light, or composite beam, ~~directed high enough and of sufficient intensity to reveal~~ capable of revealing persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(1) Whenever the driver of a vehicle approaches an oncoming vehicle within 1,000 feet, ~~such~~ the driver shall use a distribution of light or composite beam ~~so aimed~~ that does not project ~~the glaring rays are not projected~~ into the eyes of the oncoming driver. The lowermost distribution of light specified in 61-9-220(2) ~~shall be deemed to~~ must avoid glare at all times, regardless of road contour and loading.

(2) Whenever the driver of a vehicle follows another vehicle within ~~300~~ 500 feet to the rear, ~~such~~ the driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in ~~subsection (1) of~~ 61-9-220(1)."

Section 20. Section 61-9-226, MCA, is amended to read:

"61-9-226. Special restrictions on lamps. (1) ~~Any~~ A lighted lamp or illuminating device upon a motor vehicle other than headlamps, spot lamps, auxiliary lamps, or flashing turn signals, emergency vehicle warning lamps, and school bus warning lamps~~, which~~ that projects a beam of light of an intensity greater than 300 candlepower ~~shall~~ must be so directed that ~~no part of~~ the high intensity portion of the beam ~~will~~ may not strike the level of the roadway on which the vehicle stands at a distance of more than 75 feet from the vehicle.

(2) ~~No~~ A person ~~shall~~ may not drive or move ~~any~~ a vehicle or equipment upon a highway with ~~any~~

a lamp or device ~~thereon~~ displaying a red light visible from ~~directly~~ in front of the center ~~thereof~~ of the vehicle. This section ~~shall~~ does not apply to ~~any~~ a vehicle upon which a red light visible from the front is expressly authorized or required by this code.

(3) Flashing, blinking, sequential, rotating, or pulsating lights are prohibited except on ~~an authorized emergency vehicle, school bus, snow removal equipment,~~ vehicles that are authorized by this chapter to contain the lights or on ~~any~~ a vehicle as a means for indicating a right or left turn~~,~~ or the presence of a vehicular traffic hazard requiring unusual care in approaching, overtaking, or passing.

(4) Undercarriage decorative lighting may not be illuminated on a vehicle that is operated or parked upon a highway or street."

Section 21. Section 61-9-227, MCA, is amended to read:

"**61-9-227. Blinker-type or revolving red light on certain private vehicles -- use -- identification card.** (1) Firefighters, when authorized by the ~~chief~~ chiefs of their respective ~~department~~ departments, and search and rescue and volunteer emergency medical personnel, when authorized by the county sheriff, may use a blinker-type or revolving red light or both on the front or the top of their privately owned motor vehicles. This light ~~shall~~ must be used on emergency duty only while responding to but not upon returning from a fire or other emergency.

(2) ~~Any~~ A firefighter or search and rescue or volunteer emergency medical personnel displaying the emergency red light on a privately owned motor vehicle shall also carry ~~attached to a convenient location~~ on the vehicle ~~to which the red light is attached~~ an identification card showing the name of the owner of ~~said~~ the vehicle~~,~~ and the organization to which ~~he~~ the firefighter or search and rescue or volunteer emergency medical personnel belongs, and bearing the signature of the person authorizing the emergency use of ~~said~~ the light."

Section 22. Section 61-9-304, MCA, is amended to read:

"**61-9-304. Brakes required on all wheels -- exceptions.** ~~Every~~ A vehicle must be equipped with brakes acting on all wheels except:

(1) trailers, semitrailers, or pole trailers of a gross vehicle weight or rating not exceeding 3,000 pounds, provided that:

(a) the total weight on and including the wheels of the trailer or trailers may not exceed 40% of

the gross weight of the towing vehicle when connected to the trailer or trailers; and

(b) the combination of vehicles consisting of the towing vehicle and its total towed load is capable of complying with the performance requirements of 61-9-312;

(2) ~~any~~ a vehicle being towed in driveaway or towaway operations, provided the combination of vehicles is capable of complying with the performance requirements of 61-9-312;

(3) trucks and truck tractors having three or more axles ~~need~~ are not required to have brakes on the front wheels, if the vehicle was manufactured before July 25, 1980. However, the trucks and truck tractors must be capable of complying with the performance requirements of 61-9-312.

(4) special mobile equipment as defined in 61-1-104;

(5) the wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, or the front wheel of a motor-driven cycle ~~need~~ are not required to ~~be equipped with~~ have brakes. However, a ~~quadricycle, motorcycle~~ motorcycle, quadricycle, or motor-driven cycle must be capable of complying with the performance requirements of 61-9-312."

Section 23. Section 61-9-305, MCA, is amended to read:

"**61-9-305. Automatic trailer brake application upon breakaway.** ~~Every~~ A trailer, semitrailer, ~~and~~ or pole trailer equipped with air or vacuum actuated brakes and ~~every~~ a trailer, semitrailer, ~~and~~ or pole trailer with a gross vehicle weight or rating in excess of 3,000 pounds, manufactured or assembled after January 1, 1966, ~~shall~~ must be equipped with brakes acting on all wheels and ~~of such character as to~~ that can be applied automatically and promptly, and remain applied for at least 15 minutes upon breakaway from the towing vehicle."

Section 24. Section 61-9-308, MCA, is amended to read:

"**61-9-308. Two means of emergency brake operation.** (1) ~~After January 1, 1966, every~~ A towing vehicle, when used to tow another vehicle equipped with air controlled brakes, in other than driveaway or towaway operations, ~~shall~~ must be equipped with two means for emergency application of the trailer brakes. One of these means ~~shall~~ must apply the brakes automatically in the event of a reduction of the towing vehicle air supply to a fixed pressure ~~which shall~~ that may not be ~~not~~ lower than 20 pounds per square inch or higher than 45 pounds per square inch. The other means ~~shall~~ must be a manually controlled device for applying and releasing the brakes, readily operable by a person seated in the driving seat, and

its emergency position or method of operation ~~shall~~ must be clearly indicated. ~~In no instance may the~~ The manual means may not be ~~so~~ arranged ~~as to permit its use~~ to prevent operation of the automatic means. The automatic and the manual means required by this section may be~~, but are not required to be,~~ separate.

(2) ~~After January 1, 1966, every~~ A towing vehicle used to tow other vehicles equipped with vacuum brakes, in operations other than driveaway or towaway operations, ~~shall~~ must have, in addition to the single control device required by 61-9-309, a second control device ~~which~~ that can be used to operate the brakes on towed vehicles in emergencies. The second control ~~shall~~ must be independent of brake air, hydraulic, and other pressure, and independent of other controls, unless the braking system ~~be~~ is so arranged that failure of the pressure upon which the second control depends ~~will cause~~ causes the towed vehicle brakes to be applied automatically. The second control is not required to provide modulated braking."

Section 25. Section 61-9-309, MCA, is amended to read:

"**61-9-309. Single control to operate all brakes.** ~~After January 1, 1966, every~~ A motor vehicle, trailer, semitrailer, ~~and~~ or pole trailer, and ~~every~~ a combination of ~~such~~ these vehicles, except motorcycles, quadricycles, and motor-driven cycles, equipped with brakes ~~shall~~ must have ~~the braking system so arranged that~~ one control device that can be used to operate all service brakes. This requirement does not prohibit vehicles from being equipped with an additional control device ~~to be used~~ to operate brakes on the towed vehicles. This regulation does not apply to driveaway or towaway operations unless the brakes on the individual vehicles ~~are designed to~~ can be operated by a single control on the towing vehicle."

Section 26. Section 61-9-310, MCA, is amended to read:

"**61-9-310. Reservoir capacity and check valve.** (1) ~~Every~~ A bus, truck, or truck tractor with air operated brakes ~~shall~~ must be equipped with at least one reservoir sufficient to ~~insure~~ ensure that, when fully charged to the maximum pressure as regulated by the air compressor governor cutout setting, a full service brake application ~~may be~~ is made without lowering ~~such~~ the reservoir pressure by more than 20%. Each reservoir ~~shall~~ must be provided with means for readily draining accumulated oil or water.

(2) ~~After January 1, 1966, every~~ A truck with three or more axles equipped with vacuum assistor type brakes ~~and every~~ or a truck tractor and truck used for towing a vehicle equipped with vacuum brakes ~~shall~~ must be equipped with a reserve capacity or a vacuum reservoir sufficient to ~~insure~~ ensure that, with

the reserve capacity or reservoir fully charged and with the engine stopped, a full service brake application ~~may be~~ is made without depleting the vacuum supply by more than 40%.

(3) ~~All~~ A motor ~~vehicles~~ vehicle, ~~trailers~~ trailer, ~~semitrailers~~ semitrailer, ~~and~~ or pole ~~trailers~~ trailer, when equipped with air or vacuum reservoirs or reserve capacity as required by this section, ~~shall~~ must have ~~such~~ reservoirs or reserve capacity ~~so~~ safeguarded by a check valve or equivalent device that, in the event of failure or leakage in its connection to the source of compressed air or vacuum, prevents the stored air or vacuum ~~shall not be~~ from being depleted by the leak or failure."

Section 27. Section 61-9-311, MCA, is amended to read:

"61-9-311. Warning devices. (1) ~~Every~~ A bus, truck, or truck tractor using compressed air for the operation of its own brakes or the brakes on ~~any~~ a towed vehicle ~~shall be provided with~~ must have a warning signal, other than a pressure gauge, readily audible or visible to the driver~~, which~~ that will operate at any time the air reservoir pressure of the vehicle is below 50% of the air compressor governor cutout pressure. In addition, each ~~such~~ vehicle ~~shall~~ must be equipped with a pressure gauge visible to the driver~~, which~~ that indicates in pounds per square inch the pressure available for braking.

(2) ~~After January 1, 1966, every~~ A truck tractor, ~~and~~ truck used for towing a vehicle equipped with vacuum operated brakes, ~~and every~~ or a truck with three or more axles using vacuum in the operation of its brakes, except those in driveaway or towaway operations, ~~shall~~ must be equipped with a warning signal, other than a gauge indicating vacuum, readily audible or visible to the driver~~, which~~ that will operate at any time the vacuum in the vehicle's supply reservoir or reserve capacity is less than 8 inches of mercury.

(3) When a vehicle required to be equipped with a warning device is equipped with both air and vacuum power for the operation of its own brakes or the brakes on a towed vehicle, the warning devices may be~~, but are not required to be,~~ combined into a single device ~~which~~ that will serve both purposes. A gauge or gauges indicating pressure or vacuum ~~shall~~ is not ~~be deemed to be~~ an adequate means of satisfying this requirement."

Section 28. Section 61-9-312, MCA, is amended to read:

"61-9-312. Performance ability of brakes. ~~(1) Every~~ On a dry, hard, approximately level stretch of highway free from loose material, a motor vehicle ~~and~~ or combination of vehicles, ~~at all times and under all conditions of loading,~~ upon application of the service brake, ~~shall~~ must be capable of:

~~(a) developing a braking force that is not less than the percentage of its gross weight tabulated in subsection (3) for its classification;~~

~~(b) decelerating to a stop from not more than 20 miles per hour at not less than the feet per second per second tabulated in subsection (3) for its classification; and~~

~~(c) stopping from a speed of 20 miles per hour in not more than the distance tabulated in subsection (3) for its classification, such distance to be measured from the point at which movement of the service brake pedal or control begins.~~

~~(2) Tests for deceleration and stopping distance shall be made on a substantially level (not to exceed plus or minus 1% grade), dry, smooth, hard surface that is free from loose material.~~

~~(3)~~

	Braking force as a percentage of gross vehicle or combination weight	Deceleration in feet per second per second	Brake system application and braking distance in feet from an initial speed of twenty (20) miles per hour
Classification of Vehicles			
A Passenger vehicles with a seating capacity of ten (10) people or less including driver, not having a manufacturer's gross vehicle weight rating.....	52.8%	17	25
B-1 All motorcycles, quadricycles, and motor driven cycles.....	43.5%	14	30
B-2 Single unit vehicles with a manufacturer's gross vehicle weight rating of than ten thousand (10,000) pounds or less.....	43.5%	14	30
C-1 Single unit vehicles with a			

~~manufacturer's gross weight rating of more than ten thousand (10,000) pounds..... 43.5% 14 40~~

~~C-2 Combination of a two-axle towing vehicle and a trailer with a gross trailer weight of three thousand (3,000) pounds or less..... 43.5% 14 40~~

~~C-3 Buses, regardless of the number of axles, not having a manufacturer's gross weight rating..... 43.5% 14 40~~

~~C-4 All combinations of vehicles in driveaway towaway operations..... 43.5% 14 40~~

~~D All other vehicles and combinations of vehicles..... 43.5% 14 50~~

stopping at a speed of 20 miles an hour within the following distances:

(1) 25 feet for passenger motor vehicles, except buses and pioneer vehicles;

(2) 40 feet for buses, trucks, and tractor trucks;

(3) 45 feet for motor vehicles registered or qualified to be registered as pioneer vehicles under 61-3-411(3)(a) when equipped with two-wheel brakes or 25 feet when equipped with four-wheel brakes;

(4) 40 feet for all combinations of vehicles; and

(5) 30 feet for motorcycles, quadricycles, and motor-driven cycles."

Section 29. Section 61-9-401, MCA, is amended to read:

"**61-9-401. Horns, security alarms, and warning devices.** (1) ~~Every~~ A motor vehicle when operated upon a highway ~~shall~~ must be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than 200 feet~~, but no~~ A horn or other warning device ~~shall~~ may not emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to ~~insure~~ ensure safe operation give audible warning with ~~his~~ the horn but ~~shall~~ may not otherwise use ~~such~~ the horn when upon a highway.

(2) ~~No~~ A vehicle ~~shall~~ may not be equipped with ~~nor shall any~~ and a person may not use upon a vehicle ~~any~~ a siren, whistle, or bell, except as otherwise permitted in this section.

(3) ~~It is permissible but not required that any~~ A ~~commercial~~ vehicle may be equipped with a ~~theft~~ security alarm signal device ~~which is so arranged~~ that ~~it~~ cannot be used by the driver as an ordinary warning signal. A peace officer may, upon the complaint of a person, impound a vehicle if an alarm device has been activated within the vehicle and the peace officer is unable to locate the owner of the vehicle within 45 minutes from the time of the officer's arrival at the vehicle's location. The owner shall pay all fees associated with the removal, impound, and storage of a vehicle impounded in accordance with this section.

(4) ~~Any~~ An authorized emergency vehicle may be equipped with a siren, whistle, or bell capable of emitting sound audible under normal conditions from a distance of not less than 500 feet and of a type approved by the department~~, but such~~ The siren ~~shall~~ may not be used except when ~~such~~ the vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which ~~said latter events~~ event the driver of ~~such~~ the vehicle shall sound ~~said~~ the siren when reasonably necessary to warn pedestrians and other drivers of the vehicle's approach ~~thereof~~."

Section 30. Section 61-9-402, MCA, is amended to read:

"**61-9-402. Audible and visual signals on police and emergency vehicles and on-scene command vehicles.** (1) A police vehicle ~~shall~~ must be equipped with a siren capable of giving an audible signal and may~~, but need not,~~ be equipped with alternately flashing or rotating red or blue lights as specified ~~herein~~ in this section. The use of signal equipment as described ~~herein shall impose~~ in this section imposes upon the drivers of other vehicles the obligation to yield right-of-way ~~and/or~~ or to stop and to proceed past ~~such~~ the signal or light only with caution and at a speed ~~which~~ that is no greater than is reasonable and proper under the conditions existing at the point of operation.

(2) ~~Every~~ An authorized emergency vehicle ~~shall, in addition to any other equipment and distinctive markings required by this chapter,~~ must be equipped:

(a) with a siren and an alternately flashing or rotating red light as specified ~~herein.~~ in this section; and

~~(3) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped~~

(b) with signal lamps mounted as high and as widely spaced laterally as practicable~~, which shall be~~ that are capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level~~, and these~~ These lights ~~shall~~ must have sufficient intensity to be visible at 500 feet in normal sunlight.

~~(4)~~(3) ~~Every~~ A bus used for the transportation of school children ~~shall, in addition to any other equipment and distinctive markings required by this chapter,~~ must be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, displaying to the front two red and two amber alternating flashing lights and to the rear two red and two amber alternating flashing lights. These lights ~~shall~~ must have sufficient intensity to be visible at 500 feet in normal sunlight. The warning lights ~~shall~~ must be ~~of a type and located on each bus~~ as prescribed by the ~~state~~ board of public education and approved by the department.

~~(5)~~(4) ~~Police vehicles~~ A police vehicle and an authorized emergency ~~vehicles~~ vehicle may, and an emergency service ~~vehicles shall, in addition to any other equipment and distinctive markings required by this chapter~~ vehicle must, be equipped with alternately flashing or rotating amber lights as specified ~~herein~~ in this section. The use of signal equipment as described ~~herein shall impose~~ in this section imposes upon the drivers of other vehicles the obligation to yield right-of-way ~~and/or~~ or to stop and to proceed past ~~such~~ the signal or light only with caution and at a speed ~~which~~ that is no greater than is reasonable and proper under the conditions existing at the point of operation.

~~(6)~~(5) Blue, red, and amber lights required in this section ~~shall~~ must be mounted as high as and as widely spaced laterally as practicable and capable of displaying to the front two alternately flashing lights of the specified color located at the same level and to the rear two alternately flashing lights of the specified color located at the same level or ~~as an alternative,~~ one rotating light of the specified color, mounted as high as is practicable ~~which shall be~~ and ~~both~~ visible from both the front and the rear. These lights ~~shall~~ must have sufficient intensity to be visible at 500 feet in normal sunlight. ~~The use of blue lights as required in subsection (1) of this section shall be restricted to~~ Only police vehicles as defined in 61-1-118 may display blue lights, lenses, or globes.

~~(7)~~(6) ~~Every~~ A police car and authorized emergency vehicle may be equipped with a ~~portable~~ flashing signal lamp that is green in color, visible from 360 degrees, and ~~capable of magnetic attachment~~ attached to the exterior roof of the vehicle for purposes of designation as the on-scene command and control vehicle in an emergency or disaster. The green light ~~shall~~ must have sufficient intensity to be visible

at 500 feet in normal sunlight. Only the on-scene command and control vehicle may display green lights, lenses, or globes.

(7) Only a police vehicle or an authorized emergency vehicle may be equipped with the means to flash or alternate its headlamps or its backup lights."

Section 31. Section 61-9-404, MCA, is amended to read:

"**61-9-404. Mirrors.** ~~On and after January 1, 1960, every~~ A motor vehicle ~~shall~~ must be equipped with a mirror ~~so located as to reflect~~ that reflects to the driver a view of the highway for a distance of at least 200 feet to the rear of ~~such~~ the motor vehicle."

Section 32. Section 61-9-405, MCA, is amended to read:

"**61-9-405. Windshields required, exception -- ~~to be~~ unobstructed and equipped with wipers -- window tinting and sunscreening -- restrictions -- exemptions.** (1) A motor vehicle, except a motorcycle, quadricycle, or motor-driven cycle, must be equipped with a front windshield meeting the requirements of 61-9-408, unless the driver wears safety glasses, goggles, or face shields at all times during the operation of the motor vehicle.

(2) A person may not drive a motor vehicle with ~~any~~ a sign, poster, substance, or other nontransparent material upon or a crack within the front windshield, side wings, or side or rear windows of the vehicle that obstructs, obscures, or impairs the driver's clear view of the highway or ~~any~~ an intersecting highway.

~~(2)~~(3) The windshield on ~~each~~ a motor vehicle must be equipped with a device for clearing rain, snow, or other moisture from the windshield.

~~(3) Each windshield wiper upon a motor vehicle~~ The device must be maintained in good working order.

(4) A person may not operate a motor vehicle that is required to be registered in this state upon a highway if:

(a) the windshield has ~~any~~ sunscreening material that is not clear and transparent below the AS-1 line or if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;

(b) the front side windows have ~~any~~ sunscreening or other transparent material that has a luminous reflectance of more than 35% or has light transmission of less than 24%;

(c) the rear window or side windows behind the front seat have sunscreening or other transparent material that has a luminous reflectance of more than 35% or has light transmission of less than 14%, except for the rear window or side windows behind the front seat on a multipurpose vehicle, van, or bus; or

(d) the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 CFR 571.205.

(5) As used in 61-9-428, 61-9-429, and this section, the following definitions apply:

(a) "Camper" means a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons.

(b) "Glass-plastic glazing material" means a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle.

(c) "Light transmission" means the ratio of the amount of total light, expressed in percentages, that is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

(d) "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, that is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window.

(e) "Motor home" means a multipurpose passenger vehicle that provides living accommodations.

(f) "Multipurpose vehicle" means a motor vehicle designed to carry 10 or fewer passengers that is constructed on a truck chassis or with special features for occasional off-road use.

(g) "Pickup cover" means a camper having a roof and sides but without a floor designed to be mounted on and removable from the cargo area of a pickup truck by the user.

(h) "Slide-in camper" means a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user.

(i) "Sunscreening material" means a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

(6) Except as provided in subsection (7), subsection (4) applies to all vehicles that are equipped with tinted windows, including windows with less than 100% light transmission to which additional sunscreening material has been applied.

(7) Subsection (4) does not apply to a multipurpose vehicle that is equipped with tinted windows ~~of the type and specifications~~ that were installed by the manufacturer of the vehicle or to ~~any~~ a hearse, ambulance, government vehicle, or any other vehicle to which a currently valid certificate of waiver is affixed as specified under 61-9-428. A certificate of waiver must be issued by the department for a vehicle that was registered in this state on October 1, 1991, and was equipped with a sunscreening device or other material prohibited under subsection (4) on October 1, 1991."

Section 33. Section 61-9-406, MCA, is amended to read:

"61-9-406. ~~Restrictions as to tire equipment~~ Tires and tire equipment -- restrictions -- particular tires, chains, ~~or~~ traction equipment. (1) A solid rubber tire on a vehicle must have rubber on its entire traction surface at least 1 inch thick above the edge of the flange of the entire periphery.

(2) A person may not operate or move on a highway a motor vehicle, trailer, or semitrailer having a metal tire in contact with the roadway.

(3) A tire on a vehicle moved on a highway may not have on its periphery a block, stud, flange, cleat, or spike, or other protuberance of a material other than rubber that projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway. It is also permissible to use tire chains of reasonable proportions or pneumatic tires, the traction surfaces of which have been embedded with material, such as wood, wire, plastic or metal, that may not protrude more than one-sixteenth of an inch beyond the tire tread or that are clearly marked by the manufacturer on the sidewall "all season m&s" (or "all season mud and snow"), upon a vehicle when required for safety because of snow, ice, or other conditions ~~tending to cause a vehicle to skid~~. The use of pneumatic tires embedded as provided in this section is permitted only between October 1 and May 31 of each year, except that one of those tires may be used for a spare in case of tire failure. School buses equipped with ~~such~~ embedded pneumatic tires may operate from August 15 through the following June 15.

(4) The department of transportation and local authorities in their respective jurisdictions may ~~in their discretion~~ issue special permits authorizing the operation upon a highway of farm tractors or other farm machinery or of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks, the operation of which upon the highway would otherwise be prohibited under this section.

(5) If the department of transportation determines at any time that dangerous or unsafe conditions on a highway require particular tires, tire chains, or traction equipment for vehicles in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of the equipment for all vehicles using the highway:

(a) chains or other approved traction devices recommended for driver wheels;

(b) chains or other approved traction devices required for driver wheels; or

(c) chains required for driver wheels.

(6) Equipment required by subsection (5)(b) or (5)(c) must conform to rules established by the department of justice.

(7) The department of transportation shall place and maintain signs and other traffic-control devices on a highway designated under subsection (5) that indicate the tire, tire chain, or traction equipment recommendation or requirement determined for vehicles. The signs or traffic-control devices may not prohibit the use of pneumatic tires embedded as provided in subsection (3) between October 1 and May 31 of each year, but when the department of transportation determines that chains are required and that ~~no~~ other traction equipment will not suffice, the requirement is applicable to tires on driver wheels of one axle of a vehicle, including embedded tires. The signs or traffic-control devices may differentiate in recommendations or requirements for four-wheel-drive vehicles in gear.

(8) A person may not operate on the highways of this state a motor vehicle, trailer, semitrailer, or pole trailer mounted with a tire having a cut into the fabric or worn so that the fabric is visible, having knots or bulges in the sidewall or tread, or having a minimum tread depth less than 2/32 of an inch on any two adjacent tread grooves. Measurements taken to determine compliance with this section may not be made at the location of any tread wear indicator, tie bar, or hump."

Section 34. Section 61-9-407, MCA, is amended to read:

"**61-9-407. Fenders, splash aprons, or flaps required on certain vehicles -- dimension and location.** (1) A person may not move, or permit to be moved, ~~any recreational~~ a motor vehicle, ~~van, truck, bus, truck tractor, trailer, pole trailer, or semitrailer~~ except a motorcycle, quadricycle, or motor-driven cycle, as defined in this title, upon the public highways without having first equipped the rearmost wheels or set of wheels of the vehicle with fenders, splash aprons, or flaps. The fenders, splash aprons, or flaps must be designed, constructed, and attached to the vehicle in a manner that arrests and deflects dirt, mud, water, rocks, and

other substances that may be picked up by the rear wheels of the vehicle and thrown into the air, as follows:

(a) If the vehicle is equipped with fenders, the fenders must extend in full width from a point above and forward of the center of the tire or tires over and to the rear of the tires.

(b) If the vehicle is equipped with splash aprons or flaps, the splash aprons or flaps must extend downward in full width from a point not lower than halfway between the center of the tire or tires and the top of the tire or tires and to the rear of the tires.

(c) If the vehicle is in excess of 8,000 pounds gross vehicle weight or rating, the fenders, splash aprons, or flaps must extend downward to a point that is not more than 10 inches above the surface of the highway when the vehicle is empty.

(d) If the vehicle is 8,000 pounds or less gross vehicle weight or rating, the fenders, splash aprons, or flaps must extend downward to a point that is not more than 20 inches above the surface of the highway when the vehicle is empty.

(2) Fenders, splash aprons, or flaps, as used in subsection (1), ~~are considered to be of sufficient size and construction as to comply with the requirements of this section, if~~ must be constructed as follows:

(a) when measured on the cross-sections of the tread of the wheel or on the combined cross-sections of the treads of multiple wheels, the fender, splash apron, or flap extends at least to each side of the width of the tire or of the combined width of the multiple tires~~, as the case may be~~; and

(b) the fender, splash apron, or flap is ~~so constructed that it is~~ capable at all times of arresting and deflecting dirt, mud, water, or other substance that may be picked up and carried by the wheel or wheels."

Section 35. Section 61-9-408, MCA, is amended to read:

"61-9-408. Safety glazing material in motor vehicles. (1) ~~On and after January 1, 1956, no~~ A person ~~shall~~ may not sell ~~any~~ a new motor vehicle ~~as specified herein, nor shall any~~ and a new motor vehicle ~~as specified herein~~ may not be registered ~~thereafter~~ unless ~~such~~ the vehicle is equipped with safety glazing material wherever glazing material is used in doors, windows, and windshields. ~~The foregoing~~ These provisions ~~shall~~ apply to all passenger-type motor vehicles, including passenger buses and school buses, ~~but in~~ With respect to trucks, including truck tractors, the requirements as to safety glazing material ~~shall~~ apply to all glazing material used in doors, windows, and windshields in the driver's compartments of ~~such~~ the vehicles.

(2) The term "safety glazing materials" means glazing materials ~~so~~ constructed, treated, or combined with other materials ~~as~~ to reduce substantially in comparison with ordinary sheet glass or plate glass the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken."

Section 36. Section 61-9-409, MCA, is amended to read:

"**61-9-409. Seatbelts required in ~~new~~ vehicles manufactured after 1964.** (1) ~~It is unlawful for any person to buy, sell, lease, trade, or transfer from or to Montana residents at retail an~~ An automobile ~~which~~ that was ~~is~~ manufactured or assembled ~~commencing with the 1966 models unless such vehicle is~~ after January 1, 1965, and on or before January 1, 1968, must be equipped with safety belts installed for use in the left front and right front seats ~~thereof, and no such vehicle shall be operated in this state unless such belts remain installed~~.

(2) A motor vehicle manufactured after January 1, 1968, must be equipped at each designated seating position with a safety belt system required for that seating position by the standards of the United States department of transportation at the time that the vehicle was manufactured.

(3) The safety belts required by this section must remain installed and in good working condition."

Section 37. Section 61-9-414, MCA, is amended to read:

"**61-9-414. Logging trucks.** (1) ~~Every~~ A truck or truck trailer combination, except pole trailers, actively engaged in transporting logs ~~shall~~ must be equipped with chains, cables, steel straps, or fiber webbing with working load limits that meet or exceed the manufacturer's marked value. The number of tie-down assemblies must be determined by the working load limits and the total weight of the load. The working load limits must equal or exceed 1 1/2 times the total weight of the load.

(2) A pole trailer actively engaged in transporting logs upon the highways of the state must be equipped as follows:

~~(1)~~ (a) At least three binders ~~shall be~~ are required as standard equipment ~~on any truck or truck trailer combination actively engaged in transporting logs upon the public highways of the state~~. The binders must:

~~(b)~~(i) ~~Such binders shall~~ be made of steel chain or steel cable~~.~~;

~~(c)~~(ii) ~~The~~ have a minimum diameter of ~~any portion of such binders shall be~~ three-eighths of an

inch.; and

~~(d)~~(iii) ~~Such binders shall~~ be ~~of sufficient length~~ long enough to encompass any load when secured by a fastener.

~~(2) (a)~~(b) Binders used to secure loads of logs together ~~shall~~ must be fastened by means of a fastener.

~~(b)~~(i) The minimum diameter of the portions of the fastener under direct stress from the binder ~~shall~~ must be three-eighths of an inch.

~~(c)~~(ii) The handle, or leverage portion of the fastener, when in use in tightening and holding the binder ~~shall~~ must be securely fastened to the binder or to the fastener ~~in such a way~~ so that it cannot be accidentally loosened.

~~(3)~~(c) At least two binders ~~shall~~ must be in use on all loads. ~~Such~~ The binders ~~shall~~ must be placed as close as reasonably possible to the front and rear bunks.

~~(4)~~(d) ~~In the event~~ If short logs are loaded on top of longer logs, sufficient binders ~~shall~~ must be used to secure both ends of ~~such~~ the short logs to the main body of the load. ~~No logs~~ A log may not extend laterally beyond the stakes ~~which~~ that form the outer boundary of the load at the top of ~~such~~ the stakes. Logs or poles loaded above the tops of the stakes ~~shall~~ must be loaded in a pyramidal fashion."

Section 38. Section 61-9-415, MCA, is amended to read:

"**61-9-415. Slow-moving vehicles.** (1) It ~~shall be~~ is unlawful ~~after January 1, 1970,~~ for ~~any~~ a person to operate on ~~the roadway of any~~ a state highway, a farm, rural, or county ~~roads and~~ road or a city ~~streets~~ street of this state ~~any~~ a slow-moving vehicle or equipment, ~~any~~ an animal-drawn vehicle, or any other machinery ~~designed for use at speeds less than 25 miles per hour~~, including all road construction or maintenance machinery, except when engaged in actual construction or maintenance work either guarded by a ~~flagman~~ flag person or clearly visible warning signs, ~~which~~ that normally travels or is normally used at a speed of less than 25 miles ~~per~~ an hour, unless there is displayed on the rear ~~thereof~~ of the vehicle an emblem as ~~described in and displayed as~~ provided in subsection (2) of this section. The requirement of ~~such~~ the emblem ~~shall be~~ is in addition to any lighting devices required by law.

(2) The emblem required by subsection (1) ~~of this section shall~~ must be of substantial construction, and ~~shall~~ must be a based-down equilateral triangle of fluorescent yellow-orange film or equivalent quality paint with a base of 14 inches and ~~an altitude~~ a height of 12 inches. ~~Such~~ The triangle ~~shall~~ must be

bordered with reflective red strips having a minimum width of 1 3/4 inches, with the vertices of the overall triangle truncated ~~such~~ so that the remaining ~~altitude~~ height ~~shall be~~ is a minimum of 14 inches. ~~Such~~ The emblem ~~shall~~ must be mounted on the rear of ~~such~~ the vehicle near the horizontal geometric center of the vehicle at a height of 3 to 5 feet above the roadway, and ~~shall~~ must be maintained in a clean, reflective condition.

(3) In addition to the ~~foregoing~~ requirements in subsection (2), on a highway that has only two lanes for traffic moving in opposite directions, when an overtaking vehicle being operated in conformity with 61-8-303 does not have a clear lane for passing as required by 61-8-325, the driver of a slower-moving, overtaken vehicle shall, at the first opportunity~~, whenever sufficient area for~~ and when a safe turnout exists, move the overtaken vehicle off the main-traveled portion of the highway until the overtaking vehicle is safely clear of the overtaken vehicle."

Section 39. Section 61-9-416, MCA, is amended to read:

"**61-9-416. Commercial tow truck definition -- requirements.** (1) "Commercial tow truck" means a motor vehicle operating for compensation that is equipped with specialized equipment designed and intended for towing or the recovery of wrecked, disabled, or abandoned vehicles or other objects creating a hazard on the public roadways. A commercial tow truck must be equipped with:

(a) ~~and carry~~ not less than two red flares, two red lanterns, or two warning lights or reflectors. The reflectors must be of a type approved by the department.

(b) at least two highway warning signs of a uniform type, with dimensions of 3 x 3 feet, lettering 5 inches high, and reflectorized orange background and black border, as prescribed by the department. The signs must be designed to be visible both day and night. The warning signs must bear the words "wreck ahead", "tow truck ahead", or "wrecker ahead", as prescribed by the department. ~~When a motor vehicle is disabled on the highway, the tow truck operator called to render assistance during the hours of darkness shall immediately upon arrival place warning signs upon the highway as prescribed in this section and shall also place not less than one red flare, red lantern, or warning light or reflector in close proximity to each warning sign.~~

(c) ~~and carry~~ a dry chemical fire extinguisher of at least 5 pound capacity or an equivalent alternative type of fire extinguisher, approved by the department;

(d) a lamp emitting a flashing ~~or steady~~ red or amber light meeting the requirements of 61-9-402(5),

or both a red and amber light, mounted on top of the cab of the tow truck or on the top of the crane or hoist if the light can be seen from the front of the tow truck. The light from the lamp must be visible for a distance of 1,000 feet under normal atmospheric conditions and must be mounted ~~in such a manner~~ so that it can be securely fastened with the lens of the lamp facing the rear of the tow truck upon which it is mounted. When standing at the location from which the disabled vehicle is to be towed, the operator of the tow truck may unfasten the red light and place it in ~~any~~ a position considered advisable to warn approaching drivers. When the disabled vehicle is ready for towing, the red light must be turned to the rear of the tow truck upon which it is mounted and securely locked in this position. Additional red or amber lights of an approved type may be displayed at either side or both sides of the tow truck ~~as the case may warrant~~ during the period of preparation at the location from which the disabled vehicle is to be towed.

(e) one or more brooms, and the operator of the tow truck engaged to remove a disabled vehicle from the scene of an accident shall remove all glass and debris deposited upon the roadway by the disabled vehicle that is to be towed;

(f) ~~and carry~~ a shovel, and whenever practical, the tow truck operator engaged to remove ~~any~~ a disabled vehicle shall spread dirt upon that portion of the roadway where oil or grease has been deposited by the disabled vehicle; and

(g) ~~and carry~~ a portable electrical extension cord or other device for use in displaying stop, turn, and ~~tail lights~~ taillamps on the rear of the disabled vehicle. The length of the extension cord may not be less than the length of the combined vehicles~~, and whenever~~. When a disabled vehicle is towed ~~during the hours of darkness and the rear lamp or lamps on the disabled vehicle cannot be lighted~~, the tow truck operator shall provide for the rear light that is capable of ~~emitting~~ displaying a stop signal, turn signal, and a ~~directional signal~~ taillamps by means of the extension cord or other device referred to in this subsection.

(2) The operator of a commercial tow truck used for the purpose of rendering assistance to other vehicles shall, when the rendering of assistance necessitates the obstruction of ~~any~~ a portion of the roadway ~~outside a business or residence district~~, place a highway warning sign as required in subsection (1)(b):

(a) in an area in which the posted speed limit is 45 miles an hour or less, not less than 450 feet in advance of the disabled vehicle and an equal distance to the rear of the disabled vehicle; and

(b) in an area in which the posted speed limit is more than 45 miles an hour or no speed limit is posted, 600 feet in advance of the disabled vehicle, except on a divided highway where the disabled

vehicle does not cause disruption of traffic traveling on the opposite side of the divided highway, and an equal distance to the rear of the disabled vehicle.

(3) A local government unit may adopt an ordinance exempting a commercial tow truck operator from the requirements of this subsection within the limits of an incorporated city or town.

~~(3)~~(4) When a motor vehicle is disabled on the highway during the hours of darkness, the tow truck operator called to render assistance shall immediately upon arrival place warning signs upon the highway as prescribed in this section and shall also place not less than one red flare, red lantern, or warning light or reflector in close proximity to each warning sign.

(5) The owner or operator of a commercial tow truck who complies with the requirements of 61-8-906 and 61-8-907 and this section may stop or park the tow truck upon a highway for the purpose of rendering assistance to a disabled vehicle, notwithstanding other provisions of this code."

Section 40. Section 61-9-417, MCA, is amended to read:

"**61-9-417. Headgear required for minor motorcycle riders.** (1) An operator and passenger under 18 years of age of ~~any~~ a motorcycle or quadricycle operated upon the streets or highways of this state shall wear properly fitting protective headgear upon the head. The headgear ~~shall~~ must meet standards established by the department of justice.

(2) A person may not operate a motorcycle upon a highway in the state unless all passengers under 18 years of age are in compliance with subsection (1)."

Section 41. Section 61-9-420, MCA, is amended to read:

"**61-9-420. Child safety restraint systems -- standards -- exemptions.** (1) ~~No resident of Montana who is the parent or legal guardian of~~ If a child under ~~the age of~~ 2 years of age ~~may transport the child in~~ is a passenger in a motor vehicle ~~owned by the resident or his spouse unless the child is properly restrained~~, that motor vehicle must be equipped with one child safety restraint for each child in the vehicle and each child must be properly restrained.

(2) ~~No resident of Montana who is the parent or legal guardian of a~~ A child between 2 and 4 years ~~old~~ of age or weighing less than 40 pounds ~~may transport the child~~ who is a passenger in a motor vehicle ~~owned by the resident or his spouse unless the child is~~ must be properly restrained or ~~is~~ restrained in a safety belt of the type specified in 61-9-410.

(3) The department shall by rule establish standards in compliance with 61-9-419 through 61-9-423 and applicable federal standards for approved types of child safety restraint systems purchased after January 1, 1984.

(4) ~~No resident or his spouse~~ A person is not required to have more than three child safety restraint systems in a vehicle.

(5) The department may by rule exempt from the requirements of subsection (1) ~~any~~ a child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system or safety belt."

Section 42. Section 61-9-423, MCA, is amended to read:

"**61-9-423. Penalty.** Violation of 61-9-420 is punishable ~~as follows:~~

~~(1) On initial violation a citation shall be issued. No penalty may be assessed if the violation of 61-9-420 is corrected within 30 days by providing the proper court with proof that a child safety restraint system meeting the requirements of 61-9-420 was purchased or leased and properly installed in the vehicle. If not corrected, the violation shall be punishable~~ by a fine of not ~~less than $10 or~~ more than ~~$25~~ $100.

~~(2) Subsequent violation within 3 years is punishable by a fine of not less than $25 or more than $100.~~"

NEW SECTION. **Section 43. Vehicle to be constructed and loaded to prevent shifting or leaking loads.** (1) A vehicle may not be driven or moved on a highway unless it is constructed and loaded to prevent its contents from dropping, shifting, leaking, or otherwise escaping from the vehicle. Sand, water, or another substance may be sprinkled on a roadway in securing traction, cleaning, or maintaining the roadway as authorized by law.

(2) A person may not operate a vehicle with a load on a highway unless the load and its covering are securely fastened to prevent the covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

NEW SECTION. **Section 44. Bumpers.** A motor vehicle of less than 10,000 pounds gross vehicle weight or rating, except a motorcycle, a quadricycle, or a motor-driven cycle, must be equipped with a front and a rear bumper.

Section 45. Section 61-9-511, MCA, is amended to read:

"**61-9-511. Violation of chapter -- penalty.** (1) It is a misdemeanor for ~~any~~ a person to violate ~~any of the provisions~~ a provision of this chapter unless the violation is declared to be a felony.

(2) A person convicted of a misdemeanor for a violation of any of the provisions of this chapter for which another penalty is not provided shall for a first conviction be punished by a fine of not less than ~~$10~~ $25 or more than $100. For a second conviction within 1 year, the person shall be punished by a fine of not less than ~~$25~~ $50 or more than $200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than ~~$50~~ $100 or more than $500.

(3) Except as provided in subsection (4), failure to pay a fine imposed under this chapter is a civil contempt of the court. On failure of payment of a fine, the court may:

(a) order enforcement of the fine by execution in the manner provided in 25-13-204 and under the provisions of Title 25, chapter 13; or

(b) if the court finds that the person is unable to pay, order the person to perform community service.

(4) If property is not found in an amount necessary to satisfy the unpaid portion of the fine and if the court makes a written finding that community service is inappropriate, the person shall be imprisoned in the county jail in the county in which the offense has been committed. The imprisonment shall be the number of days that the fine is divisible by the dollar amount of the incarceration credit contained in 46-18-403.

(5) Upon conviction, the court costs or ~~any~~ a part of the court costs may be assessed against the defendant in the discretion of the court."

Section 46. Section 61-9-512, MCA, is amended to read:

"**61-9-512. Violation of rules -- penalty.** (1) ~~Any~~ A violation of ~~any rules~~ a rule adopted by the department is a misdemeanor.

(2) A person convicted of a violation of ~~any~~ a standard adopted pursuant to 44-1-1005 shall be fined not less than ~~$25~~ $50 or more than $500 for the first offense and not less than ~~$25~~ $100 or more than $1,000 for each subsequent offense.

(3) The penalties provided in subsection (2) apply to ~~any~~ a motor carrier that is a corporation or other business entity subject to the standards adopted pursuant to 44-1-1005. The penalties may be

imposed against:

(a) a director or officer of the ~~corporation~~ entity;

(b) ~~any~~ a receiver, trustee, lessee, agent, or person acting for or employed by the ~~corporation~~ entity; or

(c) ~~any~~ a broker of property or officer, agent, or employee ~~thereof~~ of the broker."

Section 47. Section 61-9-515, MCA, is amended to read:

"**61-9-515. Violations of provisions relating to fenders, splash aprons, or flaps -- penalty.** ~~Any~~ A person violating ~~any of the provisions of~~ 61-9-407 is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than ~~$10~~ $25 or more than ~~$25~~ $50."

Section 48. Section 61-9-517, MCA, is amended to read:

"**61-9-517. Violation of towing requirements -- penalty.** ~~Any~~ A person violating ~~any of the provisions of~~ 61-9-416 ~~shall be deemed~~ is guilty of a misdemeanor and subject to a penalty not to exceed ~~$100~~ $500."

Section 49. Section 61-9-518, MCA, is amended to read:

"**61-9-518. Violation of motorcycle or quadricycle requirements -- penalty.** ~~(1) A person convicted of the violation of 61-9-417 shall be fined $5.~~

~~(2) A person~~ An operator convicted of ~~the~~ a violation of 61-9-417 or 61-9-418 shall be punished by a fine of not less than ~~$10~~ $25 or more than $100 for the first conviction. For a second conviction within 1 year, the person shall be punished by a fine of not less than ~~$25~~ $50 or more than $200. Upon a third or subsequent conviction within 1 year after the first conviction, the person shall be punished by a fine of not less than ~~$50~~ $100 or more than $500."

NEW SECTION. **Section 50. Repealer.** Section 61-9-224, MCA, is repealed.

NEW SECTION. **Section 51. Codification instruction.** [Sections 43 and 44] are intended to be codified as an integral part of Title 61, chapter 9, part 4, and the provisions of Title 61, chapter 9, part 4, apply to [sections 43 and 44].

-END-

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON HIGHWAYS & TRANSPORTATION

Call to Order: By **CHAIRMAN ARNIE MOHL**, on January 16, 1997, at 1:00 PM, in 410

ROLL CALL

Members Present:
Sen. Arnie A. Mohl, Chairman (R)
Sen. Mack Cole, Vice Chairman (R)
Sen. Larry Baer (R)
Sen. Bob DePratu (R)
Sen. John R. Hertel (R)
Sen. Ric Holden (R)
Sen. Reiny Jabs (R)
Sen. Greg Jergeson (D)
Sen. Linda J. Nelson (D)
Sen. Barry "Spook" Stang (D)

Members Excused: None

Members Absent: None

Staff Present: Connie Erickson, Legislative Services Division
Phoebe Kenny, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:
Hearing(s) & Date(s) Posted:SB 85 & SB 129; Posted 1-8-97
Executive Action: SB 29 (Revisited 1-21-97)

HEARING ON SB 129

{Tape: 1; Side: A

Sponsor: **SENATOR WILLIAM CRISMORE, SD 41, Libby**

Proponents:
Keith Olson, MT Logging Association
David Galt, MT Department of Transportation

Opponents: None

SENATOR COLE, prior to making them special mobile equipment, were they obligated to be using undyed fuel rather than dyed full.

David Galt, when the special fuel law was passed, initially it said all vehicles on a highway had to have clear fuel. It became apparent that there were times when there were exceptions to this. The Department did a policy statement that said off-road equipment that is used off-road and not designed to carry persons or property but occasionally uses the highway is allowed to use dyed fuel when they move.

Senator Reiny Jabs, last year we had fertilizer trucks, this year logger trucks, are we setting a precedent maybe to convert other things as well.

David Galt, this is a problem that has existed in the special mobile statutes for a long time. If you open the definition of special mobile equipment, it specifically mentions well boring apparatus, ditch digging apparatus, and farm tractors. We are adding to the list of vehicles that have a problem being caught between real trucks and special equipment. That is why we take a look at these vehicles closely. Vehicles we have trouble defining we add to the statute. I don't think this list will grow anymore.

Closing by Sponsor:

SENATOR CRISMORE, thank you for the time for the hearing. This bill does not do away with requirements in regards to safety, and it makes it clear what kind of fuel is required for use in the vehicles. Again I would ask your favorable consideration of the bill.

HEARING ON SB 85

Sponsor: **SENATOR GREG JERGESON, SD 46, Chinook**

Proponents:
Colonel Craig Reap, MT Highway Patrol
LT. Mike Freelick, MT Highway Patrol
Dan Smodel, Cascade County Sheriff Office
Jim Sharpe, Great Falls Police Department
Brent Sells, Missoula City Police
Mona Jamison, American Automobile Manufacturers
David Galt, MT Department of Transportation
Ben Havdahl, MT Motor Carriers Association
Steve Turkiewitz, MT Auto Dealers Association
Lorna Frank Karn, MT Farm Bureau
George Paul, Farmers Union

Opponents:
Carl Schweitzer, Montana Contractor Association

Opening Statement by Sponsor:

SENATOR GREG JERGESON, SD 46, Chinook, one of our great American freedoms is mobility. We have always been able to get from one place to another pretty much at our own will. This has created a more free society than the rest of the world. When we look at our highway system, in the country and in the state of Montana, it is the very definition of our freedom. We are able to choose to move from on place to another at our own will, unless of course we have been arrested and thrown in jail. Freedoms are tempered by responsibilities. As we exercise our freedoms on our great American highways we are exercising those freedoms in connection with millions of other people. Therefore we cannot just exercise this freedom unabated. We have traffic laws relating to motor vehicles because we have to be responsible to one another. That is the reason we have these kind of laws on the books and have had for some time. Circumstances do change over time and in order to continue the fostering of our public safety as we share this freedom, its been determined that we need to make some revisions in those laws. That is what this bill is all about. I, as the sponsor of this bill, am not going to spend a lot of time going through the specifics of the bill, we have many people here to testify today. After this bill was introduced, there were a number of individuals and groups who looking at the various details in the bill had some concerns about how it would impact their freedom. We are interested in amendments to the bill, so long as those amendments to foster convenience and freedom also took into account our responsibility to preserve public safety on our highways.

Proponents' Testimony:

Colonel Craig Reap, MHP, this bill has to do with equipment on motor vehicles. I would like to give some historical background involved in the process that went into this change. I have been involved in this section of the code on a daily basis for the last twenty years. For the last ten years I have instructed this chapter in our recruit school at the Highway Patrol Training Academy. What I saw as I went through this section of law in the last twenty years, is that a number of terminology used, as well as some of the items of equipment that are talked about, aren't used anymore on vehicles. Also we found that there were some after market products that now have become commonly used that are actually in conflict with the law. We thought that it was time to revisit this whole chapter and bring Montana law up to federal standards where it was necessary, and then to take a look at some after market products that not only cause us confusion, but also distract the drivers of other vehicles as well. Some of them, in fact, we have had to get Attorney General opinions on whether they were legal or not. As we went through this in a very meticulous manner, we were able to identify those areas and make the proper corrections. Because we saw this as not just a Highway Patrol concern, we involved other law enforcement agencies and other agencies that have an impact on motor vehicle equipment. As

the sponsor mentioned we had other people get involved after the bill was drafted. We have been very receptive to their suggestions and have made some amendments. We feel that we have a viable product here that hopefully you will consider favorably. Handouts, **EXHIBITS 3 AND 4.**

LT. Mike Freelick, MHP, a year ago Col. Reap approached me and asked me if I would mind facilitating a committee to review Title 61 Chapter nine in an effort to attempt to bring Montana's motor vehicle codes more into a unified position with the rest of the United States and to make those laws consistent in addition to being uniform. Our committee has identified numerous sections in chapter nine which we feel don't conform to that goal thus the committee established a four fold objective. One was to streamline the sections that were either obsolete or did not conform to current industry standards or production models as established by the automotive manufacturers equipment compliance agency or the society of automotive engineers. Our second goal was to compare Montana's equipment laws with statutes from other states, that have established vehicle inspection laws. Our third objective was to compare Montana's equipment laws with what is referred to as the uniform vehicle code which is published by North West Traffic Institute, to try to bring all vehicle equipment laws into conformity. Our final objective was to obtain input from Montana's law enforcement and judicial representatives concerning ongoing interpretation and enforcement problems. He explained **EXHIBIT 3.** I urge your support of SB 85 and will be here to answer questions.

Dan Smodel, Cascade County Sheriffs Office, I represent the Montana Sheriff and Peace Officers association and we support this bill.

Jim Sharpe, Great Falls Police Department, representing the Chiefs of Police association. I would like to urge support of this bill, and support of the highway traffic safety goal that I believe all of us have. Many of the things that are contained in this bill are going to be vast improvements that the municipal agencies are looking forward to.

Brent Sells, Missoula City Police, I supervise the traffic unit within our department and we are very supportive of traffic safety issues. This particular Senate Bill will be an extremely useful tool for the officers with in our department. I would greatly appreciate support of this bill.

Mona Jamison, American Automobile Manufacturing Association, after reviewing the bill and visiting with my clients we support the bill with the amendments that have been offered.

David Galt, MT Department of Transportation, we believe that these changes are due and critical to the safety of Montana. We support this legislation and I am here to answer any questions you might have.

Ben Havdahl, MT Motor Carriers, we have had our safety people review this bill completely. As the provisions apply to commercial vehicles and trucks on the highways, we are supportive of the amendments to this bill, and changes in the current law. We also support the proposed amendment that would make it consistent with federal law and I have copies of the Federal Motor Carrier Safety Regulations that cover the subject matters addressed in this bill. This bill will make our law consistent with the federal regulations. **EXHIBIT 5.**

Steve Turkiewitz, MT Auto Dealers Association, we are in support of the concept of the bill, I have not seen the amendments yet. I do have some concerns that we have uniformity with federal statutes on vehicles that are ordered from the manufacturers by our dealers and that our dealers are not in jeopardy in the event there is conflicts with that. I have been assured that the amendments address those issues but we want to make sure that our folks won't have any trouble selling a vehicle that comes off the transport from the manufacturer, otherwise we support the bill.

Lorna Frank Karn, MT Farm Bureau, we were very concerned with this bill and were in opposition of it because of its affect on farm tractors. With the amendments that provide exemption for farm tractors we would support it.

George Paul, Montana Farmers Union, we are concerned about some of the agricultural issues but the safety considerations being what they are, we are in support of the bill.

Opponents' Testimony:

Carl Schweitzer, Montana Contractors, I am really not an opponent I just have a serious question about Section 43 where it talks about covering loads. My concern is when does a load have to be covered and when doesn't it. This just implies that the load and its cover need to be securely fastened. I am wondering if it could be rewritten to say "operate a covered load unless the load and it's cover are securely fastened".

Questions From Committee Members and Responses:

SENATOR HOLDEN, on page two line 15, explain to me what your idea is behind a public safety worker.

Colonel Reap, a public safety worker would be anyone that would permanently or temporarily have an assignment of directing traffic in a situation where there was a crash that required some type of signaling to approaching traffic. Where we have trouble with the way that definition is now, is that someone like a non sworn accident investigator, or sometimes we enlist the aid of an individual at the scene to direct traffic temporally, and we feel that those type people should have the same type authority as a uniformed officer for that particular time to direct traffic and require that people comply with their directions.

SENATOR HOLDEN, would these people be able to issue citations or file complaints?

Colonel Reap, no, they would not have any arrest authority or would not be able to cite anyone, all they could do is report the action to a law enforcement officer.

SENATOR HOLDEN, on page three, line 24, I see the first indication here that you are increasing the visibility distance to 1,000 feet from 500 feet. I am wondering if the older vehicles I have at home, or the new vehicles I am buying, are going to be able to be in compliance with that distance.

Colonel Reap, that is the federal standard at this time. I don't believe that there are any vehicles that aren't grandfathered in some other section that would be affected.

SENATOR HOLDEN, on page four, line eight, where you talk about the ability of motorcycles to dim their headlights, is that bringing it up to current federal statutes, or is that something you invented.

Colonel Reap, that would be up to standards also.

SENATOR HOLDEN, on page 22, line 12, it would seem from the indication, that you wanted to insert the word farm tractors into that new wordage there that is underlined. It would sound like to me, that you would want farmers and ranchers to be wearing safety glasses, goggles, and face shields.

Lorna Frank Karn, no, it says a motor vehicle except a motorcycle, quadracycle, or a motor-driven cycle or a farm tractor, must be equipped, so in my estimation, would take that away.

SENATOR HOLDEN, on line 18, we all know that there are a lot of vehicles out there with windshields with cracks in them because of the rural areas that we live in. What is your position on this part of the bill.

Lorna Frank Karn, in my estimation if we delete the farm tractor up above then it would not apply to line 18.

SENATOR HOLDEN, on these proposed amendments that you prepared, I am looking on page two, amendment eight. In the bill I am reading that all farm tractors will have to be equipped with fender guards and mud flaps how does that fit into this?

Beth Baker, Department of Justice, the reason for the amendment is to make sure that farm tractors are excluded from the requirement of having fenders, splash aprons or flaps, because motor vehicle, as the bill is currently written, includes farm tractors. So if you add at the end of the exceptions farm tractor it would clarify that farm tractors are exempt. We have made that

same suggestion for the section on bumpers and we would not have any objection to making sure that exemption is in for windshields as well.

SENATOR HOLDEN, what is your feeling on this new Section, page 32, line 19, where we are talking about covering loads, a lot of our farmers and ranchers are hauling sand, grain, water, all kinds of stuff. Would you believe this to be a tarping bill at this point.

George Paul, we would like to look at it from a safety first stand point. In that the farmers that do haul products whether it be bulk commodity or whatever, do so in a responsible manner.

SENATOR HOLDEN, so as a clarification then, you are standing here telling us that the grain growers in your organization support tarping each and every load.

George Paul, I don't believe that is the intention of the bill.

Beth Baker, I would direct your attention to amendment number 11. It would amend that particular section of the bill to read a person may not operate a vehicle with a load on a highway unless the load and its covering, if any, are securely fastened. Subsection one is the main thrust of that section of the bill and it says that the vehicle may not be driven unless its loaded so that the load doesn't spill. That is the objective of this section. Subsection two is to make sure that if there is a covering on it, the covering isn't flapping around or flying off or ripping into shreds as the vehicle is moving down the highway. The intent of that amendment is to make sure that it is not in fact requiring a cover.

SENATOR COLE, when we are talking about tractors as far as agriculture is concerned, is it your understanding that the definition would take in most any agricultural implement like a self propelled vehicle other than just a tractor.

Beth Baker, the definition of farm tractor is actually in chapter one of title 61, which has hundreds of definitions in it. It defines farm tractor as every motor vehicle designed and used primarily as a farm implement for drawing plows, mowing machines, and other implements of husbandry.

SENATOR DEPRATU, as the automobile manufacturers develop vehicles down the road, I am concerned about minimum heights for headlights, I see new vehicles that are going to be developed that may conceivably have headlights that will be lower than 22 inches above the road. Would there be any problem with changing this where it would meet standards other than this.

Colonel Reap, we added, in one of the amendments, a subsection that talks about federal equipment standards. What it says

basically is that if there is a conflict, the federal standards would reign supreme.

SENATOR DEPRATU, going to page five, section five, as you talk about tail lamps or head lamps that are covered by a plastic cover, you are saying that a person could drive during the day with that cover on as long as it was taken off at night. Carrying on, it says that they must be the original vehicle manufacturers equipment. Sometimes we see in older vehicles, units that might not be available through a new auto dealer but there are after market lamps that are adequate, but it is not an original equipment replacement.

Colonel Reap, what we were looking for there is, the customizing lens cover that goes over the headlight assembly, and I would agree that maybe that needs to be cleaned up. I don't think that your consideration even entered into the committees discussion. But I do know what you are speaking of and there is certainly nothing wrong with that.

SENATOR JABS, on page 12, the new section, if your vehicle is eighty inches in width and manufactured before January 1, 1953 you don't have to have signal lights. That is a new section, is that a minimized requirement, before they had to have it and now they don't.

Beth Baker, I believe because we were changing the distance requirements, if you look at subsection one, it talks about a distance requirement of 100 feet and because we are trying to deal with increasing the distance requirement to 300 feet we wanted to make sure that the older vehicles would be grandfathered in.

SENATOR JABS, I don't understand that, it says here that you don't need signal lights if your vehicle is less than eighty inches in width or manufactured before 1953.

Beth Baker, that is right, if it was manufactured before 1953. That is the key, because at that time they weren't required to have those things on them, and we didn't want to required new equipment on old vehicles.

SENATOR JABS, this is a new section, so evidently before now you had to have them.

Beth Baker, as I recall there was another section that dealt with this that we took out so we could add it in this section. The purpose is just to grandfather those older vehicles.

SENATOR JABS, on page 25, line eighteen, it says the person may not operate on the highways of this state a motor vehicle, trailer, semitrailer, or pull trailer mounted with a tire having cut into the fabric or worn so that the fabric is visible, having knots or bulges in the sidewall or tread. If I have my old farm

trailer on the road with old tires on it are they going to say that it is unsafe?

Beth Baker, the intent of this section was to put in the codes some safety standards for tires because we have none right now.

Mike Freelick, Ms. Baker is absolutely correct, under current law there is not any stipulations for tires that are, what we would consider hazardous.

SENATOR STANG, on page two you talk about authorized emergency vehicles. A privately owned motor vehicle is not considered an authorized emergency vehicle. What about volunteer firemen who are responding to accidents and fires on the freeway that use those? Will they be ticketed for responding in their private vehicle?

Colonel Reap, the opinion of the committee is that the individual will not be allowed to operate their private vehicles as emergency vehicles for a number of reasons. Because of liability, lack of training, lack of vehicle capability, we don't feel that those individuals should be able to drive their personal vehicles as an emergency vehicle.

SENATOR STANG, then is the Highway Patrol going to furnish these people vehicles? Our fire truck only holds a driver and a passenger.

Colonel Reap, the issue then would be if they can operate their vehicle in a safe and prudent manner. One of the questions was would these people be allowed to run red lights, to exceed the speed limit, to park and stop irrespective of law and other situations? From a safety standpoint you would have to say no. I don't believe that anyone would want unmarked vehicles being driven through their town running stop lights and no one identifies them as emergency vehicles.

SENATOR STANG it has been a long time since you have lived in a rural town or a long time since you traveled the freeway. If you belong to the volunteer fire department and you follow your fire truck to a fire on the freeway, which frequently happens, a lot of times you either drive twenty miles to the next exit or you use the authorized emergency vehicle turn around. If we are prohibited from doing that there will be no volunteer firemen left in this state.

Colonel Reap, I don't think there is any intent to do anything like that. I think the intent is to let them use that vehicle to get as quickly as reasonably possible to the scene of the accident.

SENATOR STANG, is it a violation for people to use their fog lights when their headlights are on and they are meeting on coming traffic?

Colonel Reap, the definition of a fog light in the bill says a fog beam provides a low wide light pattern to greatly increase short range visibility, ideal for adding driving safety in rain snow or fog. If that fog light is brighter than low beam headlights and that is not turned off or dimmed then it is the same violation as driving with the high beam headlights on.

SENATOR STANG, on page 22, line 17, a person may not drive a motor vehicle with a sign, poster, or other transparent material, or a crack upon the front windshield. Does that mean I will be driving illegally twelve months out of the year because invariably when you get your windshield replaced in Montana it gets broke within the next week.

Colonel Reap, I think that the key there is, obscures or impairs. That has been the problem with this section of law before, is that it wasn't clear enough.

SENATOR STANG, in who's opinion does it obscure or impair. Would that be the Highway Patrolmen or the driver's.

Colonel Reap, if the officer in his discretion sees it as an impairment and cites it, then the case will go to court and the judge will decide.

SENATOR BAER, would there be any objection from you or the other proponents of this bill, to insert the word unreasonably in front of obstruct.

Colonel Reap, I think that we could clean that up if we put in the word substantially.

SENATOR BAER, very good.

SENATOR HOLDEN, if a patrol officer pulls you over now, and they observe that the tires are worn, can they issue a careless or reckless driving ticket based on the tires.

Beth Baker, I don't think so.

Colonel Reap, the driver could be cited for driving a vehicle in an unsafe condition.

{Tape: 2; Side: A

SENATOR STANG, say I have this old Ford pickup and I backed it into my loading dock five or six times and I can't get a tail light cover for it, and I put a piece of red plastic over it or paint the bulb red, will I be in violation of this section.

Colonel Reap, I don't think there was any intention to cause that to be considered as a violation. I think the intention was to outlaw the use of a device during the time that head lights are

required to be used, that would diminish the effect of the headlights.

SENATOR MOHL, on page nineteen, it says a horn or other warning device could not remit unreasonable noise. Have you checked with OSHA lately, when we use our trucks, to back up we have to have horns with sufficient sound.

Colonel Reap, referred to the amendment that stated federal regulations always supersede state requirements.

SENATOR MOHL, on page 22, what if you are driving a fork lift, that doesn't qualify under the farm tractor, and it doesn't have a windshield?

Colonel Reap, those types of vehicles are not included in the definition of motor vehicle. They would be under construction equipment or some other type of vehicle. They are exempt.

SENATOR MOHL, asked if Mike Freelick thought that all loads had to be covered.

Mike Freelick, said that was not his intention, just that if a load was covered, the cover was secure.

Closing by Sponsor:

SENATOR JERGESON, I think that there was good questions asked, and the department proved their willingness to consider peoples concerns and consider amendments so long as we hold to our standard that we are promoting public safety.

EXECUTIVE ACTION ON 29

Motion:
SENATOR COLE moved SB 29 DO PASS.

Discussion:

SENATOR STANG said he believed there was amendments to be discussed.

Motion: **SENATOR STANG, moved to amend SB 29.**

Discussion:

SENATOR STANG, said this amendment made sure that they get to the nearest nonposted road as soon as possible.

Vote: **The motion to amend SB 29 CARRIED UNANIMOUSLY.**

Motion: **SENATOR BAER, moved SB 29 DO PASS AS AMENDED.**

EXECUTIVE ACTION ON SB 85

Motion: **SENATOR HOLDEN** moved the **SENATE BILL 85 DO PASS** and that **AMENDMENTS BY THE SUBCOMMITTEE BE ADOPTED. (EXHIBIT 4 and 5)**

Discussion:

SENATOR NELSON, since this was **SENATOR JERGESON'S** bill I would like to hear his comments on it because it is amended so extensively.

SENATOR JERGESON, at the conclusion of our sub committee I moved that as amended the bill pass to the full committee. I am willing to make that recommendation to this committee now. There were a couple of amendments that I did not vote in favor of, but I am not prepared to let my disagreement over those endanger the passage of the bill.

Vote: the motion to **AMEND SB 85 CARRIED UNANIMOUSLY.**

Vote: the **DO PASS AS AMENDED MOTION CARRIED UNANIMOUSLY.**

EXECUTIVE ACTION ON SB 182

Motion: **SENATOR STANG** moved **SB 182 DO PASS.**

Motion: **SENATOR HOLDEN** moved **TO AMEND SB 182,** with the amendment offered by the Stockgrowers. **(EXHIBIT 6)**

Discussion:

SENATOR HERTEL, the railroad people were in agreement with that.

SENATOR STANG, if Connie Erickson has to re write this amendment that is okay.

Vote: The motion to **AMEND SB 182 CARRIED UNANIMOUSLY.**

Motion: **SENATOR NELSON** moved the **AMENDMENT OFFERED BY THE WOMEN INVOLVED IN FARM ECONOMICS. (EXHIBIT 7)**

Vote: The motion to **AMEND SB 182 CARRIED UNANIMOUSLY.**

Motion: **SENATOR HERTEL** moved **AMENDMENT 18203. (EXHIBIT 8)**

Vote: The motion **TO AMEND SB 182 CARRIED UNANIMOUSLY.**

Motion: **SENATOR HERTEL** moved **SB 182 DO PASS AS AMENDED.**

Vote: **SB 182 PASSED AS AMENDED UNANIMOUSLY.**

HOUSE TRANSPORTATION

BILL NO	REFERRED	HEARING	OTHER CONSIDERATION DATES	EXECUTIVE ACTION/DATE/VOTE	REREFERRED	DATE READ
SB0012	SWYSGOOD, CHARLES	1/31		CONCUR 01/31 VOTE: 17-0		2/03
	1/18		FIVE-YEAR REGISTRATION FOR TRAILER AND SEMITRAILER FLEETS			
SB0029	SWYSGOOD, CHARLES	2/12		CONCUR 03/10 VOTE: 17-0		3/12
	1/27		REVISE OVERWEIGHT SPECIAL PERMIT LAWS			
SB0081	SWYSGOOD, CHARLES	2/03		CONCUR AS AMENDED 02/03 VOTE: 15-0		2/04
	1/25		GENERALLY REVISING LICENSING AND OPERATION OF COMMERCIAL MOTOR VEHICLES			
SB0082	MAHLUM, DALE	3/07		TABLED ON 03/10 VOTE: 16-1		
	2/06		ESTABLISHMENT OF A SCENIC-HISTORIC BYWAYS PROGRAM			
SB0085	JERGESON, GREG	3/07		CONCUR AS AMENDED 03/10 VOTE: 11-6		3/12
	2/07		GENERALLY REVISE MOTOR VEHICLE EQUIPMENT LAWS			
SB0086	CRISMORE, WILLIAM	2/10		CONCUR 02/10 VOTE: 16-0		2/12
	1/28		CLARIFY RIGHT-OF-WAY AT INTERSECTION			
SB0129	CRISMORE, WILLIAM	2/10		CONCUR 02/10 VOTE: 16-0		2/12
	1/28		LOG LOADER DEFINED AS SPECIAL MOBILE EQUIPMENT			
SB0173	MCNUTT, WALTER	2/10		CONCUR 02/10 VOTE: 15-0		2/12
	2/04		BUYER OF VEHICLE IN GOOD FAITH AND FOR VALUE NOT SUBJECT TO SUPPORT LIEN			
SB0182	HERTEL, JOHN	3/10		CONCUR 03/10 VOTE: 15-0		3/12
	2/07		REVISE ARCHAIC RAILROAD LAWS			
SB0188	MOHL, ARNIE	3/21		CONCUR 03/24 VOTE: 15-1		
	2/11		ALLOW FOR SEIZURE OF IMPROPERLY IMPORTED FUEL			
SB0204	NELSON, LINDA	3/10		CONCUR 03/10 VOTE: 15-0		3/12
	2/15		REQUIRE COMMERCIAL DRIVER'S LICENSE EXAM IN COUNTIES PREVIOUSLY SCHEDULED			
SB0214	ECK, DOROTHY	3/10		TABLED ON 03/10 VOTE: 10-7		
	2/21		AUTHORIZE USE OF VOLUNTEERS IN CITING VIOLATORS OF DISABLED PARKING REGS			

MINUTES

MONTANA HOUSE OF REPRESENTATIVES
55th LEGISLATURE - REGULAR SESSION

COMMITTEE ON TRANSPORTATION

Call to Order: By Chairman Shiell Anderson, on March 7, 1997, at 3:30 p.m., in Room 420

ROLL CALL

Members Present:

Rep. Shiell W. Anderson, Chairman (R)
Rep. Rick Jore, Vice Chairman (Majority) (R)
Rep. Patrick G. Galvin, Vice Chairman (Minority) (D)
Rep. Joe Barnett (R)
Rep. Rod Bitney (R)
Rep. Sylvia Bookout-Reinicke (R)
Rep. Matt Brainard (R)
Rep. Bob Clark (R)
Rep. Charles R. Devaney (R)
Rep. H.S. "Sonny" Hanson (R)
Rep. Marian W. Hanson (R)
Rep. Rod Marshall (R)
Rep. Gerald Pease (D)
Rep. William M. "Bill" Ryan (D)
Rep. Dorothy C. Simpson (D)
Rep. Jack Wells (R)
Rep. Bill Whitehead (D)

Members Excused: Rep. David Ewer

Staff Present: Leanne Kurtz, Legislative Services Division
Mary Lou Schmitz, Committee Secretary

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 11 - 3-5-97
SB 82 - 3-5-97
SB 85 - 3-5-97

HEARING ON SB 85

"AN ACT GENERALLY REVISING THE LAWS PERTAINING TO MOTOR VEHICLE EQUIPMENT; REVISING DEFINITION OF QUADRICYCLE; DEFINING PUBLIC SAFETY WORKER FOR PURPOSES OF TRAFFIC CONTROL AT AN INCIDENT";

Sponsor: Senator Greg Jergeson, SD 46

{Tape: 1; Side: A; Approx. Time Count: 0.6; }
Opening Statement by Sponsor: Senator Jergeson said SB 85 will not impose unnecessary or unreasonable restrictions on highway users, but will allow traffic to move more safely and efficiently.

{Tape: 1; Side: A; Approx. Time Count: 6.3; }
Proponents: Col. Craig Reap, Chief Highway Patrol, **EXHIBIT 1.**

Mike Frellick, Montana Highway Patrol, Great Falls, showed a video pertaining to motor vehicle equipment.

Jim Sharpe, Great Falls Police Department, **EXHIBIT 2.**

Dave Galt, Administrator, Motor Carrier Services Division, Department of Transportation.

Ben Havdahl, Montana Motor Carriers Association.

Bob Stephens, Montana Grain Growers' Association.

Mona Jamison, General Motors and AAMA.

Rep. Rod Marshall, HD 28.

Opponents: None

Informational Testimony: None

{Tape: 1; Side: A; Approx. Time Count: 31.9; Comments: .}
Questions From Committee Members and Responses: Reps. Galvin, Bookout, Bitney, Barnett, Sonny Hanson, Ryan, Marshall.

Responses by Senator Jergeson; Col. Reap.

Closing by Sponsor: Senator Jergeson closed the Hearing on SB 85.

HEARING ON SB 11

"AN ACT TO ELIMINATE THE REQUIREMENT THAT UPON THE DEMAND OF THE PREVIOUS OWNER OR THE PREVIOUS OWNER'S SUCCESSOR, THE DEPARTMENT OF TRANSPORTATION SELL RATHER THAN EXCHANGE AN INTEREST IN REAL PROPERTY; ALLOWING AN APPARENT EASEMENT TO REMAIN WITH THE PROPERTY";

Sponsor: Senator Mike Foster, SD 20

{Tape: 1; Side: A; Approx. Time Count: 53.1; }
Opening Statement by Sponsor: Senator Foster said the Bill eliminates the requirement that upon the demand of the previous owner, the Department of Transportation sell rather than exchange an interest in real property.

{Tape: 1; Side: B; Approx. Time Count: 26.3; }
Motion: Rep. Brainard moved SB 82 BE CONCURRED IN.

Discussion: Reps. Sonny Hanson, Brainard, Devaney.

Motion/Vote: Rep. Brainard moved to TABLE SB 82. Motion carried 16 - 1.

EXECUTIVE ACTION ON SB 85

{Tape: 1; Side: B; Approx. Time Count: 30.0; }
Motion: Rep. Bitney moved BE CONCURRED IN.

Motion/Vote: Rep. Devaney moved the amendments 1 and 2. Motion carried unanimously. 16 - 1.

Motion: Rep. Clark made a substitute amendment to strike the words following "windshield", "or rear window" and put a period after the word "view" and strike "to either the front or rear". Motion carried unanimously. 17 - 0.

Motion/Vote: Rep. Anderson moved an amendment to take out Section 32. Motion carried 11 - 6.

Motion/Vote: Rep. Ryan moved SB 85 BE CONCURRED IN AS AMENDED. Motion carried 11 - 6.

MINUTES

MONTANA SENATE
55th LEGISLATURE - REGULAR SESSION

FREE CONFERENCE COMMITTEE ON SENATE BILL 085

Call to Order: By **CHAIRMAN LARRY BAER**, on April 14, 1997, at 4:11 p.m., in Room 331.

ROLL CALL

Members Present:

Sen. Larry L. Baer (R)
Sen. Bob DePratu (R)
Sen. Greg Jergeson (D)
Rep. Rick Jore (R)
Rep. Dorothy C. Simpson (D)
Rep. Jack Wells (R)

Members Excused: None

Members Absent: None

Staff Present: Leanne Kurtz, Legislative Services Division
Angie Koehler, Secretary

FREE CONFERENCE COMMITTEE ON SB 85

Amendments:

CHAIRMAN BAER: There are some corrections that need to be made. I'll note those corrections on the green page so it won't be confusing to you when we get to those parts.

Amendment numbers 1-4 seem to be in order; number 5 should be modified to read page 21, line 1-5; number 6 should read page 23, line 12; number 7 should read page 23, line 15; number 8 is correct; number 9 should read page 32, line 2 and number 10 should read page 36, lines 12 and 14.

Discussion:

SEN. GREG JERGESON: When I presented the bill to the House Committee I was aware that number 1 was going to be offered and did not object to it at that time. I'm willing to accept it.

Motion/Vote:

SEN. JERGESON: MOTION TO ADOPT AMENDMENT NUMBER 1. MOTION CARRIES UNANIMOUSLY.

Discussion and Questions from Committee Members and Responses:

SEN. JERGESON: Amendment number 2 also relates to number 8. It is the condition of tires. I was not aware the House Committee was looking at that particular amendment. It came as something of a surprise to me. I argued, in our Subcommittee that we had in the Senate Highways and Transportation Committee, the importance of having standards for the condition of tires on our roads. I would be interested in the Committee not accepting this amendment, although I'm not going to hang the bill up over it.

SEN. BOB DEPRATU: My problem with reinstating it is all too often you can have a broken tire and not know it. We find it in the automobile business as we put vehicles up to service them. The customer never knows they have a cut tire until it's pointed out to them. A person could have a cut tire which would fall into that category and be fined for it.

Leanne Kurtz: I would like to clarify for the Committee that amendment number 2 is just the title so maybe the Committee would like to take number 2 and 8 together. In addition, number 1 that the Committee just adopted goes with number 5.

SEN. JERGESON: Respecting amendment 1, I would ask that also include the acceptance of the language in number 5. So that the title and the body of the bill amendments are together.

CHAIRMAN BAER: Are you making a motion?

SEN. JERGESON: I'm just asking that my motion that we adopted include both of those amendments.

CHAIRMAN BAER: Are you making a motion at this time or don't you think we should discuss?

SEN. JERGESON: I'm not making a motion at this time on items 2 and 8.

Colonel Craig Reap, Chief of Highway Patrol: The tire issue is something we felt we needed to address in this bill for a variety of reasons. **SEN. DEPRATU** brings up a good point in that a lot of times the operator of a vehicle doesn't know there is a problem with the tire. Sometimes those things are identified by the officer when they make a traffic stop. Just like any other mechanical violation, the odds are that the person who has this problem will not get a citation the first time this is brought to their attention. If there is any kind of mechanical violation on a vehicle, I would say in excess of 98 percent of the time the driver is given a warning only and many times it's simply a verbal warning. Sometimes there is a requirement to send a card back to prove the violation was corrected, but there isn't a citation issued. It's just a reminder. We understand that things can happen at any time and that's why we don't take that strict of enforcement action. Montana is the only state that

does not have a tire law. Many states have very strict tire laws that have state inspection programs. We don't have that, but even other states that don't have an inspection program do have some kind of guidelines. Right now we have very gray ideas about what a tire violation amounts to. This law would give the officers as well as the driver a better chance to determine what the violation is.

{Tape: 1; Side: A; Approx. Time Count: 4:20 p.m.; Comments: .}

CHAIRMAN BAER: I perceive a need here to look at the language and perhaps make some modifications that would alleviate the fears of those who think this might be too strictly enforced. There should be some exceptions and perhaps some exclusions of certain types of vehicles who use certain types of tires.

SEN. DEPRATU: When you get into some of the specialty type vehicles we have what we call street slicks. They don't have any tread showing or a wear bar type of thing. Those types of vehicles are normally shown in parades and are for local, fun type driving and those drivers know what they're driving with.

REP. DOROTHY SIMPSON: The only problem I have with this language is it says "worn tires". Worn tires is a very loose term. You might be able to interpret it so vaguely and there are people who buy used tires all the time and drive on them. If we could pin it down a little more I would be happy.

REP. RICK JORE: I supported amending that in the Committee and I appreciate your suggestion that maybe we could come up with some language that would maybe give an out as far as the enforcement. I'm not so sure I, personally, could support any language because it's very arbitrary. You've always got different situations like **SEN. DEPRATU** mentioned with the slicks and there are people who may keep an older tire for a spare that doesn't have the mandatory tread. I'm not convinced that language needs to be put in statute. I would like to leave that amendment as it is, out of the bill.

REP. ROBERT CLARK, HD 8, RYEGATE: We have to give the Highway Patrol and other law enforcement officers some credit for common sense. Regarding the language in this bill, the first time that someone is stopped for one of these violations has been a warning situation 99 and 9/10 percent of the time and all the time since I've been involved with the process and as a former Highway Patrol Officer, during my whole career. This is simply updating our equipment standards.

CHAIRMAN BAER: Is there anyone who came here today who has a particular concern over tires in any aspect of Section 32?

Andy Skinner: The problem is not with the Highway Patrol. They do an excellent job. Under health and safety, they have the authority to reject tires that are bad or give you a citation.

The problem comes with cities and counties and their arbitrary enactment of a lot of these laws. I know we currently have, on truck tires, a question about having to have so much tread. We have been cited before even though we try to watch it. You may take a truck out one day and say it comes in once a week to get serviced and in that week it may change from the point it was to where you get stopped and usually they give you a warning if it's the Highway Patrol. If it's the city or county and they're wanting to flex their muscle, they give you a ticket. That's the concern I would have as a contractor.

REP. JACK WELLS: Under the current law, can't your officers give a warning to a driver if they see tires they think are in pretty bad shape. Do we actually need something further in the statute?

Colonel Reap: They can. It's whether or not the owner or driver agrees with the officer's assessment. There is always that question that can come up. Also, if someone is wanting to reuse a tire or keep a tire on a vehicle, sometimes they'll ask us, is that tire okay or what are the standards for tires? We say, well, there are no standards but we can look at it and give you our opinion. This would also put you in compliance with other states if you're driving your vehicle from one state to another.

CHAIRMAN BAER: We have quite a bit of substance in Section 32 and not just tires. There is a lot of rhetoric here. Is there anything else in Section 32 that we've stricken by way of the amendment that the Committee feels should be addressed?

SEN. JERGESON: Most of the rest of that Section is existing law and simply is stricken on these sheets of paper because the amendment, the Section as a whole, was stricken in order to strike that amendment at the bottom.

{Tape: 1; Side: A; Approx. Time Count: 4:30 p.m.}

CHAIRMAN BAER: We're not changing current law, we are changing the amendment added to current law. In doing so, we are eliminating the entire Section from the bill itself, but not from the MCA.

Doug Abelin, Street Rodders, Helena: Section 32 came to our attention just yesterday. It also is going to have an affect on street rods because the new Section refers to the minimum of 20 inches on the rear fender. Most street rods don't have rear or front fenders. The only way we can see to assess that bill is to exempt street rods.

CHAIRMAN BAER: Just so everyone understands. Section 32 on page 25 is existing law in the MCA. We are striking it from this bill. It won't be deleted from the MCA. It will continue to exist. We are only striking it for the purpose of eliminating the amendments which were created.

Leanne Kurtz: For clarification, when the House Transportation Committee removed from the bill, Section 32, that made what used to be Section 33 on the second reading Section 32. It might make it clear for discussion to refer to the Sections by their MCA Section number: 61-9-406, 407.

Motion:

REP. JORE: MOTION TO ADOPT NUMBER 2 AND 8 AS ACCEPTED BY THE HOUSE COMMITTEE.

Discussion:

Leanne Kurtz: Amendment 3, where the reference to 61-9-406 is stricken in the title, is also part of that. I believe **REP. JORE'S** motion would go to numbers 2, 3 and 8.

REP. SIMPSON: I do not understand the motion.

CHAIRMAN BAER: I believe your motion is to adopt the amendments as stated. They are numbers 2, 3 and 8 on the green sheet.

REP. JORE: Exactly, which would leave the language on page 26 of the orange bill stricken rather than replace any language. In other words, that whole Section would be out of the bill and the current language would remain, but the language on lines 15-20 would be stricken.

Vote:

MOTION CARRIES. ADOPT NUMBERS 2, 3 AND 8. SEN. JERGESON AND REP. SIMPSON VOTE NO.

Discussion:

CHAIRMAN BAER: Number 4 is talking about off-road lamps, that are mounted more than 42 inches above the level of a surface upon which the vehicle stands, being prohibited when it's operated or parked on a highway.

SEN. JERGESON: This was an amendment I was aware was going to be discussed in the House Committee. I agreed to it. Apparently these lights now are not exactly legal and this amendment effectively makes these lights legal, but suggests you not operate them when you are operating or parked on the highway. So people can have these kind of lights and if they want to go to a football stadium and light up the whole stadium with these lights they would be permitted to do so, but if they are coming down the road at me and my family it would be a good idea that they not blind me with them.

Colonel Reap: This was in the original bill and there was some other language that talks about those lights needing to be covered and on a separate switch. Those items were deleted. We

thought we would like to try another amendment to bring these back in and make them legal because as you said, technically, they are not legal. This would make them legal, but prohibit them from being lit when the vehicle is on or parked on the roadway.

Motion/Vote:

REP. WELLS: MOTION TO ADOPT AMENDMENT NUMBER 4. MOTION CARRIES UNANIMOUSLY.

Discussion:

CHAIRMAN BAER: Going on to number 5, page 21, lines 1-5.

SEN. JERGESON: I believe we did that when we adopted number 1.

CHAIRMAN BAER: Correct. Going to number 6. We're making some punctuation corrections. Numbers 6 and 7 should go together. On number 7 we're going to page 23, line 15. Following the word "highway" on line 15 we are inserting ";" or "the windshield that is shattered or distorted or in such a defective condition that it materially impairs or obstructs the driver's clear view". This concerns a windshield that is damaged to the extent where it is creating a safety hazard for the driver and others on the highway. The concern expressed to me was the possibility of subjectivity in determining whether or not the windshield is damaged to an extent where it is actually occluding the vision of the driver and has caused a dangerous situation.

SEN. DEPRATU: Where I have a problem is a few years ago I was driving back from Helena and had my windshield broke by a rock. It obstructed my vision, but I could see enough to get home although I had a crook in my neck. I replaced the windshield the next day, but at that time we had a very aggressive young deputy in Seeley Lake and if he had stopped me for any reason he would have most likely given me a citation.

Colonel Reap: That could certainly happen. Again, as **REP. CLARK** said, the common sense of the officer has to come into play there. If you were to explain how that happened, the majority of law enforcement officers wouldn't issue you a citation for that. If that does happen and also to address **Mr. Skinner's** concerns, when you do have an officer who you feel is being overly aggressive that's why Justice of the Peace are in place. You can plead your case and state your side of the story and in many cases the Justice of the Peace will find to the benefit of the defendant if it's subjective.

In that verbiage, we deleted the word "cracked" and that's pretty obvious because there are a lot of vehicles that have cracked windshields. We're talking about distortion, where it is shattered to the point where you can't see through the

windshield. Technically, there is no law against that now and it becomes a visibility and safety problem.
{Tape: 1; Side: A; Approx. Time Count: 4:45 p.m.; Comments: .}

CHAIRMAN BAER: I think we still have the question about the possibility of something occurring that shatters the windshield and immediately thereafter a Highway Patrolman stops the vehicle and could possibly write a citation for the broken window. Do we have any way to address that situation?

Beth Baker, Department of Justice: Under our current practice, the warning citations that the patrol officers carry are provided on a printed form that the driver has five days to correct the violation. I think it would not become an issue. All of the vehicle equipment laws are subject to that possible kind of issue. After the Senate Committee took out the language "a crack within" and we realized that was too subjective, we did come up with this language. We looked at other states and some have very long laws. They divide the windshield up into quarters and say if you have so many inches in cracks within this quarter of the windshield, then it's illegal. We could have done that, but chose not to because we thought it was a too cumbersome. We thought it better to have a standard that says if it's shattered or so defective that it materially obstructs or impairs the driver's view that would be a matter that people could apply with common sense. I would offer to take out "or distorted" because that might be more subjective than shattered or in such a defective condition that it materially impairs the driver of the vehicle.

REP. JORE: Would you have a definition of how to define materially impairs or obstructs?

Ms. Baker: If you get a crack that comes across the bottom of your windshield so you still have a clear view of the things a driver should be able to see, then I don't think it's going to be a problem. If it gives you a big blind spot so you're going to miss a kid running out in the street or you can't see the car behind you, then it could be a problem. We did put the word "materially" so it's not just any impairment or obstruction.

CHAIRMAN BAER: It's my understanding that, in the situation of the motorist being stopped for a broken windshield, at that time you would issue a warning citation that would be on the record and if that person were stopped again after the five days or whatever the warning provides, then they would be issued a different citation.

Colonel Reap: That's how we work most mechanical violations. That's not to say that if there's something so excessive or so obvious that a citation can't be issued the first time. I wouldn't rule that out in its entirety. We have an internal policy that when a new law goes into effect, we provide a one year period where we don't issue citations. For educational

purposes we issue a warning and do as much public contact as we can to explain the law to individuals so they're aware of it before it goes into effect.

SEN. DEPRATU: I believe **Ms. Baker's** suggestion would define it better if we did take the word "distorted" out of it.

Motion/Vote:

SEN. DEPRATU: MOTION TO REMOVE "DISTORTED" AND THEN TO ADOPT NUMBER 6 AND 7. MOTION CARRIES. REP. JORE VOTES NO.

Discussion:

CHAIRMAN BAER: Number 9, page 32, line 2.

{Tape: 1; Side: A; Approx. Time Count: 4:55 p.m.; Comments: End of tape.}

Leanne Kurtz: This is not a very substantive amendment. Subsection 3 is referring back to Subsection 2.

Motion/Vote:

SEN. JERGESON: MOTION TO ADOPT NUMBER 9. MOTION CARRIES UNANIMOUSLY.

Discussion:

Leanne Kurtz: I apologize. I should have had these amendments that went together ready. Amendment number 10 is just changing the Section numbers because Section 32 was removed. Since the Committee decided to keep Section 32 out, then number 10 should have been included with amendments 2, 3 and 8.

CHAIRMAN BAER: We can do that without a motion. We've covered the proposed amendments. Are there any other aspects of this bill that are of concern by anyone in the audience or Committee members? We will discuss these briefly.

Mr. Abelin: I'm speaking on behalf of the Helena Street Rodders. Here are copies of our proposals. We addressed each one of our concerns by Section number. Submitted and read written testimony. **(EXHIBIT 1)**

Ms. Baker: Two things in response to that. I'm referring to page 6, lines 6-10 which is the taillamp Section and is similar language. The way the bill was originally drafted, they couldn't have covers that were not the original manufacturer's equipment. In response to concerns such as the one just raised, we struck that and the Senate instead put in that they couldn't have aftermarket equipment if it obscures the taillamps or diminishes the visibility distances. What we're trying to address are cases where they have some sort of equipment that makes it harder to

see the lights or you can't see them from the distances that are required by the law. Beyond that, we're not aware that it would conflict with any federal standard, but there's a section in the bill to make it clear. Page 3, lines 8 and 9 say if anything we're adopting in this law ends up conflicting with federal motor vehicle standards, then the federal standards supersede it.

SEN. DEPRATU: We do have some conflicts there. We may need to put in an exclusion for special interest, classics, vintage, pioneer and street rods. Also, when it gets down to taillights I think we have some problems with some of those vehicles too.

SEN. JERGESON: My brother has a 36 Ford he has fixed up. It has one taillight. What happens to him in the circumstances of these Sections?

Colonel Reap: He would be grandfathered in under law at the time the 36 Ford was the car of the day. Vehicles will have to follow the requirements that were in place at that time on the standard equipment.

CHAIRMAN BAER: Do we have language to this effect elsewhere in the Code?

Colonel Reap: There are some specific Sections that talk about years of vehicles and lighting requirements and so forth.

CHAIRMAN BAER: Page 6, Section 51-9-206 talks about stop lamps and the requirements for vehicles manufactured before 1964 and then further up it talks about 1956 as well. What we're saying is the original equipment of an original classic, restored vehicle is grandfathered in if it were legal at the time of its manufacture. We're going to get into a realm here where we've got some modified street rods that aren't going to be exactly the same confirmation as the original equipment. How are we going to address and accommodate for this situation?

Ms. Baker: We didn't know about the concerns of the Street Rod folks until now. As **Colonel Reap** mentioned, at least for the older vehicles, we have attempted to go through each Section and make it clear that standards that were in effect at the time of manufacture are what we're talking about. I prepared some language to deal with the bumper issue and we could do the same thing for the fenders. We could say those requirements do not apply to street rod vehicles, vehicles not originally equipped with bumpers or fenders or vehicles for which bumpers or fenders were not required by federal law or regulation at the time of manufacture and then include a definition of a street rod which means a vehicle manufactured before 1949 that has been modified in body style or design. That language comes from the specialty equipment market association which has suggested to us the facts I received today. I propose that amendment for the Section on fenders, Section 32 and the Section on bumpers, Section 42.

Mr. Abelin: I would suggest, to save time, we spend a couple hours together and come back to the Committee later on. What happened was we got a green flag over the weekend from the National Association. We missed this and apologize for that.

CHAIRMAN BAER: We have to wind up this Committee today. We can open the door for you by allowing you to work with the Department in mitigating some of your concerns. You would have to agree to being subject to the final determination by the Department who would then work with **Ms. Kurtz** in adopting some amendments into this bill because we cannot do this all today.

Mr. Abelin: We have total faith in the Department. We would do that and if not, we will be back in two years.

CHAIRMAN BAER: How is the Department's take on this? Is this feasible for you to accomplish this within your time frames?

Ms. Baker: I think we can do it. We might consider adding a blanket exemption from them somewhere earlier in the bill, but I think we can sit down and in a few minutes get this ironed out.

SEN. DEPRATU: One other concern I have is with a specific item that refers back to classic vehicles. That is blue-dot taillights which really don't meet the definition of the red lamp. Yet it's something that is primarily on General Motors vehicles especially during the middle 50's. They are part of what makes those cars a true classic and I would like to have those exempted for those particular years.

CHAIRMAN BAER: Is there any problem with the Department on that?

Colonel Reap: Just when everything was going so well. Blue is a light color that is officially designated in the statute for law enforcement purposes only. I've seen the blue dot taillights. In fact, I own a 57 Chevy so I know they were real popular. They do look neat going down the road. My concern is that if we open it to that, what is the next step? Someone may fabricate an entire blue lens and where does it end? We have held the line pretty strong on the light colors and how they're used. The green for the DES Incident Commander, the red for certain authorized emergency vehicles and the blue for police only. I would request that we stay in that realm.

SEN. DEPRATU: This is one place I have to really disagree. I don't think it's going to open the door where it's used just on that definition of vehicles. There aren't very many of them.

CHAIRMAN BAER: Are we talking about 1957 Chevrolets only?

SEN. DEPRATU: I'm saying in the 50's in particular it was the way to make up the General Motors cars. It was a regular type of option for those vehicles and in some of them it was actually standard equipment, I do believe.

CHAIRMAN BAER: If we are going to make an exception, they must be specific and only apply to specific vehicles. Otherwise, **Colonel Reap's** concern about people adding custom equipment to a vehicle including a blue light could conflict with their intentions.

{Tape: 1; Side: B; Approx. Time Count: 5:10 p.m.; Comments: .}

SEN. DEPRATU: We may be missing what the definition of a blue light is. They are really a blue dot and in certain taillights it would be a half inch lens that was part of the taillight in the center. The rest of the taillight was red. That's where the word blue-dot comes from. I couldn't start to define all the vehicles they were available on in those years. It is something that makes that car a special interest, classic vehicle.

Colonel Reap: Maybe some of the folks from the Street Rodders club could answer this better than I. I don't recall where they were standard equipment although they are available for a multitude of vehicle models. Where do we draw the line?

REP. JORE: I've never heard of or seen these. Could we compromise and specify a certain size, square inches or whatever? Would there be any way to work along that line?

Colonel Reap: I suppose we can discuss that. I hate to see that weakened at all. The colors are very well defined in the statute now. To open it up even a little bit concerns me.

SEN. JERGESON: Are the blue lights not now under the statute without SB 85? Are they allowed?

Colonel Reap: They would not be allowed because they are the wrong color.

SEN. DEPRATU: Because they have a blue lens in the middle of all of the red.

Mr. Abelin: All we really wanted is if it is standard equipment on the original vehicle, if you did ticket them and they could verify it, the ticket is void. That should cover it.

Lynn Predmore, Helena Street Rodders: They go back to 1949. I don't actually remember them being standard equipment. I always remember them being an aftermarket item. As long as you understand that when you step on the brake light, the brake light doesn't turn blue where it would be against the law.

SEN. DEPRATU: It isn't going to confuse everybody with a blue emergency light.

Motion:

SEN. DEPRATU: MOTION TO AMEND THAT BLUE-DOT TAILLIGHTS WOULD BE LEGAL ON 1940'S TO 1950'S VEHICLES THAT ARE CLASSIC CARS.

Discussion:

Ms. Baker: We could include this in the street rod exemption language that we're going to come up with for the other Sections and make sure that this blue dot issue is addressed in those amendments as well.

Motion:

SEN. DEPRATU: WITHDRAW MY MOTION.

Discussion:

Mr. Skinner: I was alerted to this bill on Sunday by one of the Street Rodders. Section 6, page 4, line 22-27 - for making exceptions for early classic motorcycles. Maybe we could make an exception under similar circumstances for off-road motorcycles. They go somewhere in the country, unload their motorcycle, head up into the hills and they may have to drive down a mile stretch of county road. They're violating the law, yet these vehicles don't really need headlights because they are never run at night. If they are registered and aren't run at night, it may be an exception we'd want to allow for these people to become legal.

On Section 7, page 5, lines 17-23 properly functioning taillamps are something I've had a lot of problem with for many years. I operate approximately 50 vehicles and can fix the taillights one day and the next day they're out. The filaments are very fine and we take them off the road to construction sites and have a lot of problem. I repeat, we don't have a problem with the Montana Highway Patrol. We can explain it to them, but if you have a taillight out, the local enforcement stops you and writes a ticket to generate revenue. I thought we could drop the word "properly functioning". I know what they're trying to get at and appreciate that, but I don't want to see that wording added and being used at the local level for a revenue generator.

CHAIRMAN BAER: Let me interrupt you, sir, for a moment. It looks like your suggestions for amendments are very extensive. Perhaps in regard to motorcycles, it might be best to address your concerns in a separate bill at a different time. I don't know how the Committee feels about this. Due to the elaborate nature of your suggestions, we are not equipped to address these specific concerns by way of this Free Conference Committee.

{Tape: 1; Side: B; Approx. Time Count: 5:20 p.m.}

Mr. Skinner: This isn't all motorcycles. That taillight, for example, deals with any "properly functioning" taillight on any

vehicle. The problem is, in the construction industry, when you take a vehicle off the road, the vibration jars the filament and you lose the taillight. Section 21, page 15, line 23 is of great concern to me. You're opening the door for real problems. We change the definition of how we interpret exempt trailers from a gross weight of 3,000 pounds to a gross vehicle rating weight. A 3,000 pound trailer may currently haul up to 10,000 pounds and be exempt. When we change it to a gross vehicle weight rating system, it can haul no more than 3,000 pounds with the load. My concern is that there are so many trailers: hay wagons, sheep sheds, car trailers, etc. When you put something on them they are over 3,000 pounds and are no longer exempt, but they didn't come from the factory with brakes. To retrofit these with brakes creates a real problem. We're opening the door to making a lot of people's equipment obsolete.

SEN. JERGESON: If we get some amendments for the Street Rodders, I hope it will cover those major items. Perhaps the changes to Section 6 that we actually have in the bill are mostly corrective and updating language and not any kind of major change from what is current law. I would hesitate to make an amendment that would be a major departure from current law and use this bill as the vehicle for that. I would have to ask the Department about this change in gross weight to gross vehicle rating and just what the meaning of that is and whether that can be handled.

Colonel Reap: The reason we added the gross vehicle rating language is so we had a way to define what a 3,000 pound trailer was. Many of the homemade trailers that you see made out of pickup boxes and car haulers with trailer house wheels falls into this category in one way or another. The problem is, when they're homemade, they don't have a rating. There's no manufactured rating. Sometimes you can use the axle as a starting point, but they don't have a stamp or a data plate on it that gives us the rating. So we had to determine some other means in order to draw the line to make a difference between what needed this equipment and what didn't. The discussion, as I recall, went from how much does it weigh empty to what's critical here. If you load the trailer, you have to take that into consideration because, as **SEN. JERGESON** says, that's what's going to be coming around to meet the oncoming car if it gets out of control. We looked at a few trailers, at the data plates from manufacturers and made some comparisons. **Mr. Skinner** is right. There are some horse trailers that don't have brakes that would have to have them if this law went into effect as it is. We figure if you put two 1,500 pound horses in a trailer and then you have the weight of trailer on top of that, the operator of the vehicle should be in control of the brakes on that. There is a list of the special equipment that those vehicles use, about safety chain and so forth. If it's under 3,000 pounds, they don't have to have brakes, they have to have a safety chain hooked up in a certain manner and so forth and we made some changes on that.

SEN. DEPRATU: I can see a real problem if we go out there having people have to retrofit trailers with brakes that weren't manufactured that way. If we wanted to say something like anything manufactured from January 1, 1998 on and grandfather the others in, maybe that's okay. On a trailer like that, you couldn't put brakes on it for the value of the trailer.

CHAIRMAN BAER: **Colonel Reap**, would you be open to grandfathering in certain trailers under certain circumstances. I can understand **SEN. DEPRATU'S** concern. Some of these trailers would be rendered unusable and the expense of modification to bring them up to these standards would be prohibitive.

REP. JORE: Would simply grandfathering trailers in prior to a certain date take care of the problem? Aren't they still manufacturing trailers in that fashion?

SEN. DEPRATU: I'm sure they're still manufacturing them, but at least the manufacturer would know they couldn't sell them in this state without that on and it's still going to create some hassle. I look at a boat trailer and I'm not sure what these weights are. People take a sailboat out of water and put them on a tandem trailer and I wouldn't be surprised if you're over 3,000 pounds. I don't think there are brakes on most of those trailers. I don't know that it's even available on some of them. I think we're getting into areas that might be a little difficult.

Colonel Reap: After conferring with **Lieutenant Frelick**, he says 3,000 pounds is pretty much the standard across the country, but we would be willing to put a grandfather in, even to the point of the enactment of the bill. Anything manufactured after the enactment of the bill would have to be in compliance with this.

CHAIRMAN BAER: This bill will take effect October 1. **SEN. DEPRATU**, do you think the October 1st enactment of this bill would give adequate notice to manufacturers that they would have to comply with these standards after that date?

SEN. DEPRATU: It probably wouldn't. I'm really not comfortable, but I'm not a trailer person. I don't know that much about them, yet I know the position it's going to put some of those people in. I think it would be a big help, but when I think about all the different trailers out there.

CHAIRMAN BAER: We don't want to create an unnecessary hardship on those who already own trailers. Then again, I can understand the concern of the Department to promote safety and better construction of those that are yet to be built.

{Tape: 1; Side: B; Approx. Time Count: 5:30 p.m.}

REP. JORE: Perhaps I'll make a suggestion and see where it goes. I move we strike "vehicle" and "or rating" and leave the original language. Maybe they can point out some areas where it's been a

real problem in the past, but it's a change from where we've been and if it's significant, perhaps it would be more appropriate for the Department to change it in a couple of years with a different bill rather than make this big change on these trailers all at once, even with a grandfather clause.

Motion:

REP. JORE: MOTION TO STRIKE "VEHICLE" AND "OR RATING" FROM PERTINENT SECTIONS, LEAVING ORIGINAL LANGUAGE.

Leanne Kurtz: I think that's the only substantive change in this Section. The other changes are style changes so if you want to get rid of those two words it would be the same as striking the whole Section from the bill.

REP. WELLS: We have a similar problem on the next Section. If these trailers don't have brakes now, you can't have an automatic application of brakes. We need to amend both Sections.

REP. JORE: I amend my amendment to include Section 22 also.

CHAIRMAN BAER: You're amendment is to strike the words "or rating".

REP. JORE: We would strike Section 21 and Section 22 and therefor the current language.

CHAIRMAN BAER: Okay. So you eliminate them from the bill and leave them current law.

Ms. Baker: Are you talking about Section 10 of the bill?

CHAIRMAN BAER: Page 15, Section 21, line 23.

Ms. Baker: There is one other place where this language occurs.

CHAIRMAN BAER: Page 16, Section 22, line 13.

Ms. Baker: We'll go along with that. There is also one other place in the bill and that is Section 10, lines 22 and 29. Also on page 8, line 3 and we don't want you to strike the whole Section on this one because there are some other substantive amendments in that Section that deal with safety chains. We will take those out now and study it over the next two years to see if it really is an issue.

CHAIRMAN BAER: Without striking Section 10 you would be willing to strike "or rating" on line 22 and 29 and line 3 on the next page.

Mr. Skinner: You will have to take the word "vehicle" out also and go back to gross weight because gross vehicle weight will be

the loaded weight. Gross weight, as it was originally, is the unloaded weight.

Ms. Baker: That's fine.

Leanne Kurtz: I would like to reiterate what I understand **REP. JORE'S** amendments to be. Strike from the bill Sections 21 and 22 in their entirety. Strike the words "vehicle" and "or rating" on page 7, line 22; page 7, line 29; page 8, line 3.

REP. JORE: That's my intent. It leaves the language original as it pertains to trailers weighing 3,000 pounds.

Vote:

MOTION CARRIES UNANIMOUSLY. ADOPT JORE AMENDMENTS.

Discussion:

Jill Z. McGuire, American Bikers Aiming Toward Education (ABATE) of MT: I am a volunteer lobbyist and we are a nonprofit organization dedicated to the promotion of motorcycle safety. We have a problem with Section 38, MCA 61-9-417. We have no problem with the helmet law for minors. They're not adults and they don't have the right to choose. We do have a problem with the words "properly fitting". I keep hearing that this is a motor vehicle equipment bill. Helmets are not equipment. They are personal wearing apparel and only the wearer can make the decision if it's properly fitting and even in the case of adults, most wearers will choose a helmet that is more loose as it is more comfortable. I don't think they want our children making these kinds of decisions. On the other hand, I don't believe we want policemen making this decision on the side of the road. It could be considered a violation of personal rights as police officers are not allowed to make the laws, only to enforce them.

This also becomes probable cause for a policeman to stop any minor wearing a helmet. It's easy to determine whether a minor is wearing a helmet, however, it's a matter of opinion whether the helmet is actually properly fitting. The Department of Justice specifications are basically nonenforceable. All helmet manufacturers are different. Helmets generally come in only four sizes - small, medium, large and juvenile. You would have a difficult time convincing anyone that a juvenile helmet would fit a four year old and also a 16 year old. Probably, most important is the fact that by adding this type of language to the law, the State is opening itself up to liability. Say Mom goes out and buys little Johnny a helmet so he can ride behind Dad on Sunday afternoons and god forbid, Dad and Johnny get into a terrible accident and little Johnny dies wearing his helmet. Mom can then presumably sue the State of Montana because they have, in essence, told Mom that Johnny would be safe in this helmet. I would ask the Department of Justice, at the very least, to provide a list of approved helmets. However, it's our view that

the new language in Section 40 should be stricken out altogether, specifically the words "properly fitting" and "must" which would strike out the whole Section.

One other thing which is kind of a housekeeping thing and is actually not this bill. It's the existing law, Section 40, MCA 61-9-420. It's on the child safety restraint systems. It looks like this law might apply to motorcycles also as they are considered a motor vehicle. We would ask that you exclude motorcycles in this Section.

{Tape: 2; Side: A; Approx. Time Count: 5:40 p.m.}

Lieutenant Mike Frelick, Highway Patrol Station, Great Falls: I served on the Committee that attempted to revise this particular Chapter for a year and a half. As **Beth Baker** indicated, we received some information and some correspondence through the Specialty Equipment Market Association which is the Aftermarket Representation Association which represents not only the Street Rod Association but many others as well. The Department is prepared to offer an amendment at this time following the word "justice" to insert "for the purpose of this Section, properly fitting means that the headgear is of a standard size to fit a person of the age of the wearer and does not include adult size headgear".

The Committee was composed of Highway Patrol Officers, members of the MT Sheriff's and Peace Officers Association and the Chief of Police Association across Montana. A big concern they and we, on the Patrol, have are small children wearing adult size headgear that can literally rotate around the child's head and provide minor, if any, significant protection for that child. We're very concerned about that. If, as related to me by a dealer in Great Falls, you have an improperly fitting helmet and you should become involved in an accident, not only do you have the initial contact, you have secondary contact when the head hits the inside of the helmet. There are two different ways you can purchase helmets. You can purchase the correct size and there are inserts available from dealers which can be applied to those helmets to allow for varying head sizes. So we do not consider this to be an unreasonable expectation on the part of either the wearer or the driver which, in most cases, allows a small child to ride on motorcycle with that kind of safety equipment. It is not unreasonable to expect a person to have properly fitting headgear to prevent a child from serious, if not life threatening, injuries. If a person wishes to spend the money, you can actually buy form fitted helmets as the child or driver matures. That's consistent with what I see in terms of bicycle riders and roller bladers who are now wearing helmets. Responsible parents request their children to wear safety equipment. Injuries associated with these kinds of accidents are financially devastating, not only to the individual, but in some cases to the public who has to pay because insurance is not required on motorcycles.

REP. JORE: Could you repeat that amendment please?

Lieutenant Frelick: Yes, and I have a copy for **Leanne Kurtz.**

REP. JORE: I appreciate the Department's concern and willingness to define this term, but I have to concur with **Ms. McGuire** on this. We have, in the statute, a requirement to wear protective headgear. I'm not comfortable going to the extent of defining properly fitting. Before I make a motion, I'll let the rest of the Committee express their thoughts.

Motion:

REP. JORE: MOTION TO STRIKE SECTION 38 AND LEAVE CURRENT LANGUAGE.

REP. JORE: I remember we actually spent some time discussing that. **REP. BARNETT** voted against this bill based primarily on that Section. I can understand what the Department is saying there, but we're going too far in defining properly fitting.

SEN. JERGESON: I'm not sure I would want to go as far as eliminating the whole Section because I think Subsection 2 has some importance. It is that minor children, particularly those younger than being of an age to have a driver's license, currently are the ones responsible to make sure that they wear headgear. An adult operator of a motorcycle is the one that ought to make sure that any passengers they have with them are wearing the headgear. Otherwise we would be in the weird position of giving a ticket to a six year old kid because they didn't have the headgear on when it really is their parent, guardian or other adult who is responsible for them at that time. **REP. JORE**, would you want the Senate to concede to eliminating the language of concern in the first Subsection, but leave this in the second Subsection.

REP. JORE: What happens now under this current language? The headgear is required. If there is a juvenile riding with an adult that doesn't have it, do they currently ticket the juvenile?

Colonel Reap: The juvenile, under this current statute, gets the citation and it is a problem.

Motion:

REP. JORE: I will amend my amendment. I will leave Subsection 2 in there. Basically we're striking the words "properly fitting" in Section 1.

Discussion:

Mr. Abelin: What if the operator is also a juvenile?

Colonel Reap: Then the operator would get a citation as well.

Ms. McGuire: That was my question as well so it seems to be taken care of presently in the law is it not?

Colonel Reap: No.

Ms. McGuire: If the operator is a juvenile?

Colonel Reap: If the operator is a juvenile, yes, but if the operator is an adult, then the citation goes to the kid.

{Tape: 2; Side: A; Approx. Time Count: 5:50 p.m.}

SEN. JERGESON: The operator would have to be a person licensed to operate a motorcycle. I don't know whether a 15 year old with driver's education could get to be that person. Under current law, that operator, even as a juvenile, is responsible to wear the helmet. Under current law, they are not responsible to make sure that a passenger who may be a juvenile wears a helmet. What this Subsection says is, if they are not an adult they have to wear protective headgear. They are responsible for them self doing that, but they are also responsible for an underage passenger. If one of my daughters, when she gets to have a drivers license, is taking Grandma for a ride on a motorcycle, I guess Grandma doesn't have to wear headgear.

CHAIRMAN BAER: As I understand the motion from **REP. JORE**, in Section 38 the words "properly fitting" be stricken from this Section and everything will remain as is. Is that correct?

REP. JORE: Yes.

Vote:

MOTION CARRIES UNANIMOUSLY.

Discussion:

REP. PAUL BANKHEAD, HD 72, HERON: You may tell me this may not work. I have an amendment prepared by **Leanne Kurtz. (EXHIBIT 2)** I would like to explain the situation and have you understand what I'm trying to get at. There is a farmer, a resident of Idaho, who owns property that the Idaho/Montana state line splits so he has a ranch that is in Idaho and Montana. He is currently hauling logs to Trout Creek, Montana, but he was stopped and told that his truck that he's hauling the logs on, which is his farm truck that he uses to haul cattle and hay, is no longer considered a farm truck in Montana if he's hauling logs on it. It's considered a commercial vehicle. There is the problem and it took a while to determine where exactly the situation was. Montana does not recognize logs in any form as a farm product even though it may be a farmer and it may come off his farm. When he puts them on his truck and gets on the highway, it's not

a farm product. My understanding is, amendment 2 (d) would correct the driver and his license and an ability to operate in Montana. The reason I say this may not work is because right now federal law under CDL recognizes someone that grows trees and logs as a farmer. If he's hauling his own product, he can come into Montana and for his driver's license purpose he doesn't have to have a CDL. At the same time, Idaho recognizes a vehicle 53,000 pounds gross vehicle weight or under as a farm vehicle. So he can be in Idaho driving his farm truck, 50,000 pounds, logs on it, hauling to market for his own self and be perfectly legal with his driver's license and the vehicle is legal also. The moment he crosses into Montana he's legal, but his vehicle is not legal and that is defined in 61-10-206. The Motor Carrier Vehicle Bureau has determined that, because the statute specifically does not mention logs, he is not in compliance if he has logs on his truck. I don't want to open this thing up for a guy that has an eighteen wheeler and is a farmer and is really doing a commercial operation. This may go way beyond the extent of the Committee, but I figured you had all this expertise and wisdom gathered here and couldn't find any other place to come in and tell you. I could work on it next Session, but if we could correct this thing now, I sure would like to.

CHAIRMAN BAER: Are we staying within the Title of this bill?

Leanne Kurtz: I talked to **Greg Petesch** about this amendment and because the bill is dealing with vehicle equipment, his and my understanding of the amendment was to exempt a farm vehicle that would be hauling logs from any commercial motor vehicle equipment laws. His ruling was that it was within the scope of the bill, barely.

CHAIRMAN BAER: Would the insertion of this amendment into your bill be commensurate with your intentions and your desires?

SEN. JERGESON: I have pondered that matter some. Technically, it would meet the constitutional provision about not changing the intent of the bill. When I look at this Section that **REP. BANKHEAD** proposes to bring into the bill, I would be willing to accept the judgement of the Committee, but it's my feeling that it probably should be handled in a different bill.

CHAIRMAN BAER: Does the Department have any problems with this?

Dave Galt, Administrator, Motor Carrier Services Division, MT Department of Transportation: I'm the one that wrote the letter that determined that logs were not a farm product so I'd like to comment a little on that. This is a fee issue. It's whether or not the vehicle pays 100 percent commercial fees or 35 percent agricultural fees. Agricultural fees are for a farmer in the transportation of their own farm/ranch/orchard/dairy products. I hate to see it in the vehicle it's in and a different section of law dealing with fees specifically where I don't even refer back to the commercial vehicle definition to make my determination on

this. I don't like to see that vehicle used to solve this problem, the commercial vehicle definition that's tied to a variety of other things that aren't a problem at this time. When do we determine it's a farmer, it's his logs that are cut on his land and he gets to have those agricultural rights or does it amount to anybody that owns any piece of land and those logs are cut on that owners land. I could rattle off a couple of large timber companies that own all their land and harvest their land. They would not be considered agricultural in my opinion, either. In our view, this amendment doesn't work for the intended purpose **REP. BANKHEAD** is trying to solve although we'd certainly revisit it and discuss the intent of the Legislature. I wish the Committee would not work with **REP. BANKHEAD**, but use a better method to go into the fee section. It won't work in this Section.

{Tape: 2; Side: A; Approx. Time Count: 6:00 p.m.; Comments: .}

CHAIRMAN BAER: We're operating in kind of a reverse nature of the normal procedure where you move an amendment and then discuss it, but I think it's working pretty well here today.

REP. WELLS: This opens up a large area to me. We've heard **REP. BANKHEAD** point out that Idaho law allows up to 50,000 pounds or something and ours is 26,000 pounds. We must have a lot of laws that vary between states and when vehicles that are legal over there come into Montana they are technically not legal for some other reason. Wouldn't it be better to approach this from the standpoint of saying something about vehicles registered in another state had some way to operate on a short term basis or within 100 miles of the border or something. This can't be the only farmer that is violating Montana law because his land is right next to the border. There must be a lot of cases like this. Is that right?

Mr. Galt: You're correct. The Department already has authority to enter into reciprocity agreements for a variety of things with our neighboring states. In fact, they don't even have to be neighboring states. We do have reciprocity agreements with all our neighboring states that deal with farmers. It's called mirror reciprocity. The question boils down to, would we interpret our law to allow a Montana farmer to haul his own logs under farm fees or would we require him to purchase commercial fees? In Montana, we would require him to purchase commercial fees to haul those logs therefore I can't let the Idaho farmer come into Montana to do something that I wouldn't let a Montana farmer do. What further complicates this problem with reciprocity is that in Montana the farmer pays his taxes on his vehicle just like a commercial hauler pays taxes on his vehicle. The difference here is 35 percent of the fees. They are either 100 percent or they are 35. This farm user in Idaho has never paid fees or taxes at all so this issue becomes more than just 35 percent fees.

REP. BANKHEAD: The question here is reciprocity absolutely, but you have to understand that when I take my farm truck and go all the way over to Spokane, Washington I don't pay any of their fees either. Reciprocity works for everything else, but one thing and that's logs. He's a farmer on a farm truck. Explain to me the difference. I don't see it. It's a matter of definitions here, boiling down to what is a farm product.

REP. JORE: I'm basically in favor of what **REP. BANKHEAD** is trying to do here. Before I move it, I need to be clear exactly on what our prerogatives are with this bill. We can't kill it in here, can we?

CHAIRMAN BAER: The bill can be killed if that is the desire of the Committee.

REP. JORE: I voted against the bill in the Committee and on the floor and I don't think we've changed it enough to where I'll vote for it now. I support this amendment, but I don't think, even with the amendment, that I would vote for the bill.

Motion:

REP. JORE: MOTION TO ADOPT REP. BANKHEAD'S AMENDMENTS SB008506.ALK.

Discussion:

Leanne Kurtz: If the Committee does want to adopt this, I would request that I be able to talk to **Dave Galt** because he says it's not going to accomplish what **REP. BANKHEAD** wants it to. Maybe I misunderstood what he wanted or something, but if this isn't going to work it might not be worthwhile. I want to make sure that if something is adopted it will do what **REP. BANKHEAD** wants it to do.

REP. SIMPSON: I don't have any problem if you want to call logs a farm product and people who log, farmers. I can just see us opening up a can of worms here. I have to agree that if you're going to do this and it's a commercial thing, it probably should be with fees and if it's not commercial then you're saying to all farmers who have timber on their land that they can haul it on their vehicles.

SEN. JERGESON: It probably would not be constitutionally outside the scope of the law, but I think in fairness to what **REP. BANKHEAD** is trying to accomplish I suspect this is not the only Section that would have to be changed to really accomplish that. If we start adding two, three, four other Sections we would start getting to the point where it may not be within the Title of the bill. For sure, we would be getting beyond the matter of motor vehicle safety. I'm sympathetic about his suggestions, but I'm nervous about trying to go whole hog in offering a whole other bill into the vehicle of SB 85.

{Tape: 2; Side: A; Approx. Time Count: 6:10 p.m.}

CHAIRMAN BAER: I think the idea is okay, but I don't think the vehicle is proper even though **Ms. Kurtz** has checked with **Mr. Petesch** and found it to be within the Title, barely. I just don't think we're going to be accomplishing what **REP. BANKHEAD** wants to do by inserting it into this bill. Inasmuch, your language might fall short in your amendment and I would hate to see you stumble in your endeavor to accomplish what you really want to do by rushing your amendment into this bill this Legislative Session.

Vote: **MOTION FAILS. TIE VOTE - ROLL CALL.**

Discussion:

CHAIRMAN BAER: I'm not anticipating any further serious modifications of this bill and having taken care of the trust me amendments between the Department and the Rodders.

Ms. Baker: I'm happy to report that we worked it out in the hallway while you were discussing that last amendment.

SEN. DEPRATU: I have a couple more areas of concern or clarification if you don't mind, going to page 9 of the bill on lines 20, 23 and 24. My concern on line 20 is having to do with the lamp or the reflector on a tractor. It seems to me, on the big dual wheeled tractors, that the taillights are mounted on the fenders and the dual wheels stick out quite a bit farther. This says the taillight has to be out to the farthest projection of the tractor. Is that a problem? The same way with implements of husbandry being towed by a motor vehicle having to have lighting systems on them.

CHAIRMAN BAER: It looks like the language has been changed a little bit, but the intent of the statute doesn't seem to be modified by the language change. Where it says "will indicate" we inserted "indicates", we crossed out "the furthest" and put in "farthest". I think we're getting into semantics here. —I don't think this really changes the existing enforcement of the bill. Am I correct?

Colonel Reap: That's correct, it's existing language in line 20.

CHAIRMAN BAER: If your intent is to modify the existing enforcement, that's fine.

SEN. DEPRATU: I guess I don't understand. How does enforcement go? Really that light is on the fender on the inside, but you've got a dual wheel that is sticking out here another 18, 24 inches. It looks to me like we're making units illegal.

Colonel Reap: I don't think that's a real bone of contention of our enforcement. It's just necessary at night and they do run

occasionally, but not a lot. I think there's a lot of common sense taken there and I don't recall it ever being a problem. Even a projecting load on the back of a pickup truck, for example, is allowed to be out four feet before a light is put on the end of it.

SEN. DEPRATU: This would come under that then?

Colonel Reap: I guess you could stretch it to that point.

{Tape: 2; Side: A; Approx. Time Count: 6:17 p.m.; Comments: End of tape.}

SEN. DEPRATU: Being towed by a motor vehicle must have lights at all times. If you're dragging a side delivery rake down the road with a pickup, does it have to have taillights on it?

Colonel Reap: That's correct. The reasoning behind it is that there are some implements of husbandry that are towed and not self-propelled that don't have electrical systems. Some of them, just by the nature of their design, cover up the taillights on the towing vehicles so basically you have a dark vehicle going down the road so this would require that those type of pieces of equipment be equipped and then it gives the following types of lights, similar to what a wrecker would put on the back of a car. It's an extension cord with a magnetic light that functions off the taillights of the towing vehicle. It's a real simple setup.

SEN. JERGESON: If I take my tractor and I pull a tool bar down the road, current law says I have to light that but instead of pulling it with my tractor, I pull it with my pickup and don't have to light it. So the change in here is that you ought to have the same standard if you're pulling it with a pickup as you would if you're pulling it with the tractor itself.

SEN. DEPRATU: On page 27 where it had to do with our fenders, are we eliminating monster trucks or big wheel trucks from the highway because they don't have fenders that extend out over those tires?

Colonel Reap: I'm not eliminating anything. I think we require that they have some type of equipment on their vehicles, at least when they're used on a public roadway, to protect the other users of the roadway. One of the main reasons for the change to this law is that pickups were required to have mud flaps if they were 20 inches off the ground, but a Chevy blazer which is not considered a pickup yet some of them get jacked up to 20 inches or more under current law were not required to have mud flaps for protection. In answer to **SEN. DEPRATU'S** question, when they're being used on the public roadway, they would be required to have something to protect.

SEN. DEPRATU: I don't have any problem with mudflaps. I think those are good. Where I'm having the problem is, on a lot of

these vehicles, half the tire sticks out beyond the body width and a fender isn't part of the body. That would then become illegal. We're probably going to eliminate about 8 percent of the pickups out there off the road or eliminate the tires and wheels that are on them, I guess.

Colonel Reap: I think the solution to that would be the way that we enforce them now. If the wheel extends beyond the outside edge of the fender of the vehicle then there has to be some kind of a mud flap protection that extends out to the width of the tire. We've never enforced those to any extent as long as they have some type of apparatus or flap extension to catch that.

SEN. DEPRATU: I'll let it go.

Ms. Baker: I just found out that we didn't agree to everything. There is one issue having to do with undercarriage lighting. The bill, as it's written on page 15, lines 2-4, prohibits undercarriage or license plate decorative lighting while the vehicle is being operated on the highway. One of the principle things that motivated this bill was law enforcement concerns about these new fangled lights that are on the vehicles which are often neon and diminish not only the visibility of things like the license plate, but perhaps obscure or make it difficult to determine the color of the license plate. The aftermarket folks have now raised a concern about that because they want to be able to continue to provide these lights and our position is this is one thing we feel strongly about from the law enforcement perspective. These lights have created a real problem for law enforcement. They can put them on, but they cannot have them on while the vehicle is being operated on the highway. That's the purpose of the bill.

Mr. Abelin: We would willingly give up the license plate lights if we could have the underbody neon. It's not a visible light. All you get is the backlight on the ground.

SEN. DEPRATU: Are you talking about having the lighting available to be on while you're driving it down the road?

Mr. Abelin: That's what they're asking.

REP. JORE: When you were explaining your position on that, I didn't perceive it was a safety factor, but merely law enforcement and identification. Were there any safety concerns with these lightings?

Lieutenant Frelick: Like the motorcycle helmet situation, the large complaint came from law enforcement in the cities and counties with regard to this issue. The complaint is kind of multi-faceted. For example, in Great Falls we have experienced such lighting that pulsates with music. In other words, flashes off and on with the beat of the music. In some cases it can give the appearance of an authorized emergency vehicle depending on

the color of the lights underneath the vehicle. It is the feeling that it is a distraction upon the highway causing other motorists to draw attention to that vehicle especially when it's associated with lights around the license plate that rotate and flash. We have some strong opposition to that because of the possible association of that vehicle as an emergency vehicle. Most importantly, the safety factor is that it offers a distraction to the rest of the motoring public who are operating vehicles. The City of Great Falls has experienced some accidents as a result so they have some real concern. We didn't want to say you can't have it if you wanted to operate the vehicle in the parking lot or a show or whatever. You are most welcome to have that on, but when it's operated on a highway it is, in our opinion, a distraction and a safety factor.

{Tape: 2; Side: B; Approx. Time Count: 6:25 p.m.}

CHAIRMAN BAER: Unless a member of the Committee is willing to make a motion regarding this issue, the language will remain the same in the bill.

REP. JORE: I'm not totally convinced that undercarriage lighting would be extremely unsafe. I think I can do this by making a motion to strike "undercarriage and or" on line 2. I'll just see where it goes. Maybe the Committee doesn't agree and then the license plate decorative lighting that is not original would remain.

Motion:

REP. JORE: MOTION TO AMEND PAGE 15, LINE 2 BY STRIKING "UNDERCARRIAGE AND OR".

CHAIRMAN BAER: Does the Committee understand the motion by **REP. JORE**? Any further discussion?

Ms. Baker: Rather than strike it altogether, I'd suggest an alternative which I think would satisfy these folks. It would say "undercarriage or license plate decorative lighting that rotates, flashes or oscillates or displays the colors red, blue or any color used by law enforcement or emergency vehicles may not be illuminated on the vehicle that is operated upon a highway or street". This is language we got from the Aftermarket Association. They're agreeable to prohibiting the flashing lights that can be distracting to other drivers or police and emergency color lights. They want to have just the stationary light that shows purple or some other color underneath that doesn't flash.

REP. JORE: I change my motion to include that language so that undercarriage or license plate lights would remain as long as there is no rotation, flashes or oscillation.

SEN. JERGESON: Does this make you more likely to find favor with the bill?

REP. JORE: No. We'd be here too long if I had to go through all that.

CHAIRMAN BAER: Is the Department comfortable with the proposed amendment?

Ms. Baker: It wouldn't be our preference, but if the Committee chooses we'd go along with it.

Vote:

MOTION CARRIES UNANIMOUSLY. ADOPT REP. JORE'S AMENDMENT WITH DEPARTMENT'S LANGUAGE.

Motion:

SEN. JERGESON: MOTION TO ADOPT THE OUT IN THE HALLWAY CONSENSUS AMENDMENTS BETWEEN THE RODDERS AND THE DEPARTMENT.

Discussion:

CHAIRMAN BAER: Do we need to have that amendment recited before the Committee?

SEN. DEPRATU: Could we just have the Section with the blue-dot?

Ms. Baker: Following the end of that sentence on line 10, page 6 we would add the sentence "This Section does not prohibit a vehicle manufactured prior to 1960 from being equipped with a taillamp that includes within the red cover, a center lens that is blue in color."

Vote:

MOTION CARRIES UNANIMOUSLY.

Motion/Vote:

SEN. JERGESON: MOTION TO ADOPT SB 85 AS AMENDED BY THE CONFERENCE COMMITTEE. MOTION CARRIES. REP. JORE VOTES NO.

ADJOURNMENT

Adjournment: 6:32 p.m.

SEN. LARRY BAER, Chairman

ANGIE KOEHLER, Secretary

LB/AK